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James Thompson
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THE
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OR,

IMPARTIAL REPOSITORY

OF

PUBLIC EVENTS.

For the YEAR 1782.



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T H E

REMEMBRANCE.

WEST-INDIA INTELLIGENCE.

No. XXIV, concluded from our last for December.

For the REMEMBRANCE.
MEMORIAL of NATHANIEL
WEEKES, &c.
BARBADOS.

To the Right Honourable JOHN Earl
of SANDWICH, the Right Honour-
able WILMOT Earl of LISBURN, E.
HENRY PENTON, Esq. the Right
Honourable CONSTANTINE JOHN
LORD MULGRAVE, BAMBER
GASCOYNE, FRANCIS GRE-
VILLE, and GEORGE DARBY,
Esquires, Commissioners for executing
the office of Lord High Admiral of
Great-Britain, &c.

The humble Memorial of NATHANIEL
WEEKES, Esq. late Judge of the
Court of Vice-Admiralty of Bar-
bados,

Sheweth,

THAT your Memorialist was
appointed Judge of the Court
of Vice-Admiralty of the Island
aforesaid, by your commission issued
under the Great Seal of the Ad-
miralty-Office, bearing date * some
time in the year one thousand seven
hundred and seventy-six, as will
more fully and at large appear by a
reference thereto.

That your Memorialist, during
the whole time of his being Judge of
VOL. XIII.

your Court aforesaid, as far forth as
his skill and abilities admitted, hath
faithfully executed the duty of his
trust, and impartially administered
strict justice to all parties; and that
from a pleasing consciousness of hav-
ing merited the approbation of the
whole community, from the regular
discharge of his public conduct, your
Memorialist is hereby encouraged
and induced to trouble your Lord-
ships on an event, he humbly con-
ceives, equally as invasive of the
high powers of your Lordships, as
unjustifiable in itself, and injurious
to your Memorialist.

That in about nine or ten weeks
after the arrival of his Excellency
Major-general James Cuninghame
to Barbados, your Memorialist was
called upon by the Secretary of the
Island, who informed him, " That
the Governor desired to speak with
your Memorialist at the Govern-
ment-house of Pilgrim." That your Me-
morialist did accordingly wait on his
said Excellency immediately. The
interview was both private and short;
and the substance of his Excellency's
business with your Memorialist, ap-
peared to him to know, Whether
the owners of private vessels of war
B were

* The original commission, together with all the books and papers be-
longing to your Memorialist, was destroyed by the late hurricane, so that
he cannot recite the exact date of the commission.

were not *compellable* to take out new * commissions of marque at the expiration of every cruize? Your Memorialist was of an opinion, that it could not be done, conceiving such a measure to be illegal and oppressive. Shortly after this the hurricane ensued, to wit, October the 10th, 1780, and your Memorialist had no conference again with his said Excellency until the first week in February, when he was then called upon by his said Excellency to be officially informed of a certain letter he had received from the Secretary of State, respecting his Majesty's immediate intentions to declare hostilities against the Dutch. Nothing in this interview appeared on the part of his Excellency of dissatisfaction or discontent towards your Memorialist, either in his private or public capacity; on the contrary, his Excellency seemed to congratulate your Memorialist on the prospect of his office being likely to grow lucrative, expressing at the same time his surprize that no salary had been annexed to your Memorialist's commission.

Early in the month of February, and in a few days after the above-mentioned interview, a new scene now opened to flatter the prospect of gain to his said Excellency, and to employ all his powers to compass it. Nearly three months before this period, the stone indeed was laid to build the superstructure of selfishness, as a very little attention to the real and latent motives of his said Excellency's superseding the deputation of Thomas Jackson, Esq. will clearly demonstrate; for a certain Dutch vessel, the brigantine Commerce, was now captured and brought into this Island by a private sloop of war, said to be worth eight thousand pounds; but it so happened, that

the captor had no legal qualification to capture the enemy's goods and vessels; and his said Excellency hearing the captor's disqualification, ordered the said vessel and cargo to be claimed for the King, and they were accordingly claimed by the Procurator of the Crown.

As soon as your Memorialist was made acquainted with the publication of consent for a hearing of the said Dutch vessel and cargo, claimed as aforesaid by the King, to wit, early in the first week in the month of April, your Memorialist appointed a short day for the advocates to argue the cause in issue; and after the depositions thereon were duly investigated by your Memorialist, the said brigantine Commerce and her cargo were condemned by your Memorialist as a droit of Admiralty, on the sixth day of the said month of April, as the minutes of the proceedings of the said Court on the day aforesaid will prove and confirm. And your Memorialist published his definitive sentence on the said brigantine and her cargo, confirming the order and decree on the minutes aforesaid, on the 12th day of the said month of April. Sometime in the beginning of the month of March last, your Memorialist was again called by his said Excellency up to Pilgrim: The call was immediately obeyed. Dutch prizes about this juncture were frequently brought into this Island, and there was a general rumour of a great many more still to be brought in; the commission, hitherto of little profit, became now a commission of emolument, and of course the Judgeship of the Court of Admiralty grew a Judgeship to be envied. But to return to the call of his Excellency at the time above-mentioned; the intention of which, as your Memorialist conceived, as well from some pointed

* In the list of fees set up by the Governor, he demands the sum of TEN POUNDS on every separate commission of marque.

pointed remarks, as from certain oblique insinuations, was to extort the opinion of your memorialist, respecting two Dutch ships libelled by Edward Thompson, Esquire, commander of his Majesty's ship *Hyæna*; and which two ships, his said Excellency had directed the Procurator of the Crown to cross libel as droits of Admiralty for the use of the King. In the course of your memorialist's conversation with his said Excellency on the day here alluded to, from certain expressions made use of by your memorialist, declaratory of principles not to be biassed, and from uttering certain words avowable of sentiments not to be influenced, your memorialist humbly conceives, as from the circumstances that shall here follow, that his said Excellency, from the day of this interview, took up the unjust resolution to do what he hath lately done. *To supersede your memorialist of the commission he had the honour to hold under your Lordships.* Facts will best speak for themselves, and agreeable to his said Excellency's letters, in order of time, directed to your memorialist, he humbly begs leave to introduce them here, in order of place, the better to explain the secret intentions, and the visible motives for that event, which his said Excellency was pre-determined, sooner or later, right or wrong, to pursue and accomplish. Two days after the preceding conversation with his said Excellency, herein hinted at, your Memorialist received the following letter :

On his Majesty's service.

SIR,

As I understand it has been a practice in your Court to condemn prizes carried into St. Lucia, upon evidence sent from thence here, without the prizes being brought into this bay, and as it appears to me extremely irregular, I must desire that you will immediately acquaint me

of your reasons for this proceeding. I am, Sir, your most humble servant,
JAMES CUNINGHAME.

Pilgrim, March 14, 1781.

To the Judge of the Admiralty of Barbados.

Your Memorialist keeps all the original letters in his possession which he has received from his said Excellency, and to the above, he returned for answer, to his said Excellency, the following lines :

March 15, 1781.

Honourable Sir,

When your Excellency's letter was delivered yesterday I was then from home, and had I been in the way when your servant called for an answer, the present answer, agreeable to your order, would have been immediately dispatched. In respect to the mode of proceedings on the captured vessels carried into St. Lucia, libelled and condemned in the Court of Admiralty in Barbados, it has been regular and legal, as the face of the proceedings themselves will fully evince; and if any such captured prizes carried into St. Lucia have been libelled and condemned in this Island, without the vessels being first or last brought into our ports, permit me to assure your Excellency, that I never once knew it officially, either before, or at the time of condemnation; and what I do not officially know, I cannot judicially notice.

The captors of all these vessels too, if I recollect rightly, and which are here alluded to, were his Majesty's naval Commanders; and though St. Lucia is in the neighbourhood of Barbados, where the captors have libelled one vessel from thence in our Court, they have libelled a dozen in the Courts of Antigua and St. Christopher's.

If you have been made acquainted with any abuses practised by the captors with their prizes in St. Lucia, and said to be under the sanction of

my Court, I do most solemnly avow my innocence and ignorance of them, about them, and concerning them; and I shall always hold myself ready, whenever officially and legally called upon, to correct and suppress every evil that may tend to blemish my trust, or invade my authority.

I have the honour to be, your Excellency's most obedient, and most humble servant,

NATHANIEL WEEKES.

His Excellency Governor Cuninghame.

Two days after the above letter was delivered, his said Excellency returned to your Memorialist the following reply :

Pilgrim, March 17, 1781.

SIR,

Your not knowing officially that prizes brought into St. Lucia and condemned here, upon papers and evidence sent from thence without the vessels ever being brought into Carlisle-Bay, is to me most extraordinary. I therefore expect that no such proceedings are to prevail at Barbados, in the Admiralty Court, during my residence as Governor of this Island, without affording me the earliest and most authentic information upon the subject.

I am, Sir, your most obedient servant,

JAMES CUNINGHAME.

The Honourable the Judge of the Admiralty of Barbados.

Your Memorialist thought it most discreet to avoid replying to the above letter, not only from his said Excellency's repeated intimations (a few days after your Memorialist's last interview with him on the subject of the Hyæna's two prizes) that he would remove your Memorialist from his Judgeship, but also from a knowledge of the high charge and powers wherewith your Memorialist was invested by your Lordships, conceiving therefrom, that his said Excellency had no right or cause to interfere with the conduct of your Me-

morialist in his judicial department; especially when there never was the least complaint made against him, and more especially too, when your Memorialist was at no great loss to guess at the real motive from whence his said Excellency's interference originated. Your Memorialist, however, to prevent any reasonable exceptions to his judicial proceedings, and to place it out of the legal reach of his said Excellency to have the least shadow of any just charge to support his designs against your Memorialist, did faithfully and strictly adhere to his said Excellency's orders, respecting the proceedings to condemnation of prizes captured and carried into St. Lucia, as the Court and the whole Bar, if required, can testify upon oath.

During the short interval between March the 17th and April the 26th, his said Excellency was pleased to interfere more and more with the rights and powers of your Memorialist's office. Every thing to intimidate was attempted, and no stratagem was left untried to influence. Orders were given to the Register, and these orders more publicly affixed at the office, directing that every paper found on board of every prize, and delivered up to the captors, should first be brought to his Excellency; and his said Excellency now most unwarrantably holds and detains in his possession the manifests and invoices of certain vessels condemned to the use of the King, and refuses to deliver up the same, as your Memorialist hath been credibly informed, though he hath been duly applied to for them, and by an officer legally qualified and authorized to demand the said manifests and invoices.

To shew your Lordships the temper and principles of his said Excellency Major-general James Cuninghame, your Memorialist begs leave to recite two instances, and of such pernicious

pernicious consequences, that both your Memorialist and the Public, have not been a little alarmed and terrified thereat. Some time in the month of November last, a Spanish launch was condemned by your Memorialist as a perquisite of Admiralty to the King. The vessel and cargo were accordingly ordered to be appraised and sold for the use of his Majesty, and the money was directed to be lodged in his said Excellency's hands. Hereupon both vessel and cargo were taken into the possession of his said Excellency. He hath since done with both as he pleased; he hath not had the vessel or cargo, in pursuance of the sentence of adjudication, sold at public vendue, which the law, for all captured goods, positively directs; and he hath applied and disposed of the property aforesaid, just as if the said droit was condemned and adjudged totally for his said Excellency's own use, and not for the King's. Moreover, his said Excellency hath refused, and still continues to refuse, to pay to the court the trifling fees towards condemning the said launch, alledging for his reasons, "*That his Majesty never pays any fees to his officers.*"

The second instance of his said Excellency's conduct, which your Memorialist humbly begs leave to lay before your Lordships, is that of a certain Dutch brigantine, called the *Commerce*, said to be worth eight thousand pounds, and which was condemned and adjudged by your Memorialist as a perquisite of Admiralty, on the 6th day of April last; and from what your Memorialist had experienced of his said Excellency's principles respecting the Spanish launch, least the same ill practices should take place in the management of this droit, as in the Spanish one, and especially as the Dutch one here alluded to was of considerable value; and as the par-

ties interested therein were violently incensed against his said Excellency, for his conduct respecting the said Spanish launch, your Memorialist thought it highly necessary for the foregoing reasons, to be more particular to his sentence of adjudication on the said Dutch brigantine. And the following lines contain his opinion and judgment against the said Dutch brigantine and her cargo.

Barbados, in Cur. Vic. Adm.

John Lock,

versus

Briga. and her cargo.

From every evidence before us, it clearly appears, that both the vessel and cargo of the prize in dispute before us, belong to our enemies. It appears also as clearly, that Stamper is the captor, the primary, and I conceive, the sole captor. But Stamper being unnominated in the commission of Lock, to make captors of the enemy, I am of opinion, that Lock himself, taking possession of the prize after her arrival at this island, invested no legal right in himself to the said vessel. Hereupon the Procurator for the Crown claims the prize as a droit of Admiralty, and from the irregular proceedings of Stamper and Lock, demands it as a right belonging to the King. Now, how far the King will exercise or suspend, how far he will insist upon or relinquish his rights, I will not take upon myself to say; but in the present case, as there appears to be a right belonging to the King, that right must be supported for the King. Upon the whole, taking the complicated circumstances of this singular case, and the irregular proceedings of Lock and Stamper in one collective view, I do not conceive either of them to have a legal, or any immediate right, to the prize before us. I do therefore dismiss the libel.

And I do hereby order, adjudge, and decree the brigantine *Commerce*, with her furniture, tackle, and apparel,

parel, together with all and every part of her cargo, to be immediately delivered up to the claimant, William Forbes, Esq. as a droit of Admiralty, for the use of the King: provided he the said William Forbes shall give sufficient security for the safe forth coming of the net proceeds of the said vessel and cargo; but in case he, the said William Forbes, shall not be able, or shall refuse to give such security, as aforesaid, I do then order, adjudge, and decree the said brigantine Commerce, with her furniture, tackle, and apparel, together with all and every part of her cargo, to be immediately delivered up to the representative of the Crown, namely, his Excellency James Cuninghame, Esq. Governor and Vice-admiral of this Island, and after the same shall be appraised, sold, and disposed of at public vendue, by his said Excellency's directions, I do then further order and direct, that the net proceeds thereof be and remain in the hands and possession of his said Excellency James Cuninghame, Esq. until his Majesty's pleasure, respecting the disposal thereof, shall be made known.

Your Lordships will be pleased to observe, that your Memorialist orders and adjudges both the said Dutch brigantine and her cargo to be delivered up to the claimant and Procurator to the Crown; and the said Procurator, agreeable to the sentence of adjudication, upon his preparing to comply with the requisites of security, that he might take possession of the said brigantine and her cargo, was peremptorily forbidden by his said Excellency to interfere at his peril. And the said Procurator did accordingly forbear to obey your Memorialist's order and sentence aforesaid, as by a letter under his hand now upon record, to prove what is here set forth. Very much offended indeed was his said Excellency with your Memorialist at

this his said sentence, observing, "*That the droit ought to have been delivered up entirely to him, and not to the claimant.*" And in this part of your Memorialist's duty, it only served to increase the resentment, which his said Excellency had unjustly harboured against him. Upon this unwarrantable conduct of his said Excellency with the said Procurator, and his said Excellency's continuing from day to day in delaying to comply with the sentence aforesaid, the parties appealing grew more clamorous, and your Memorialist was repeatedly called upon by the said parties to do them justice; but as their applications were never officially made by petition to your Memorialist, so your Memorialist conceived he had no right to notice the said complaints until they should come before him in their proper channel. Thus his said Excellency, in open defiance of the law in the present case provided, and regardless of the ties of justice, never proceeded (till within these few days) to do any thing with the said Dutch brigantine and her cargo, though it was his absolute duty, for the good of the Crown, to lose no time in selling and disposing of the said vessel and cargo, especially as the latter is perishable, and what is still worse, as your Memorialist hath been credibly informed, there was a constant plunder of the said cargo from on board the said brigantine, ever since the same had been under the directions of his said Excellency; and to shew your Lordships a further specimen of his said Excellency's principles, he hath even proceeded to sell and dispose of the cargo of the said brigantine Commerce without any APPRAISEMENT at all, notwithstanding the sentence positively directs an APPRAISEMENT.

From these extraordinary doings of his said Excellency, respecting the aforesaid two prizes condemned by
your

your Memorialist as droits of Admiralty, your Memorialist had every thing in future to fear if he dared to discharge his duty to his God and his King, to his conscience and the laws, to his country and his fellow-subjects; but your Memorialist, nevertheless, was sacredly determined to adhere to the faithful execution of his trust, though at the peril of his life, much less at the risk of his commission. Every day was now hastening on to bring the integrity and fortitude of your Memorialist to the test, and the eyes of the public were turned upon him in big expectation of the trying event; for the determination of the two Dutch * prizes captured by the Hyæna, (mention of which having been already made) and which were libelled by Edward Thomson, Esq. and cross-libelled by the King, was still unknown. After the evidences in these causes were all taken, and as soon as your Memorialist was made acquainted with the publication of consent for a hearing of the merits of the said libels, your Memorialist ordered the Register to bring him the several depositions for his private examination, and as soon as he had finished that necessary part of his duty, and had made himself master of the facts, he then ordered a trial on Saturday the 28th day of the last month, April; and on the said day, the several Advocates having finished their pleadings on the contested rights of the Captor and the Crown, your Memorialist adjourned the Court to give his judgment on Tuesday following, being the first day of this inst. May. But on the evening previous to the adjournment of the Court, a Mr. † MORRIS, the suspected Counsellor to his said Excellency, at a very un-

seasonable ‡ hour, and in heavy inclement weather, called upon your Memorialist. The real intention of this visit was too gross to escape the discernment of the most inexperienced person; and as the fortitude of your Memorialist was not to be circumvented by stratagem, neither was his judgment to be awed by power. Your Lordships perhaps may be wishful to know the suspected motive of Morris's visit, especially too, when your Lordships have been told, that the said Morris is intimately connected with his said Excellency. In as few words as possible, your Lordships shall hear it. Morris told your Memorialist, "that he had just left the Governor; that it was the Governor's opinion, that both the Dutch prizes in dispute were perquisites of Admiralty; that the King's Attorney-General had signified to the Governor, that the vessels and cargoes of both belonged to the Crown; and that it was ADVISEABLE for your Memorialist to condemn them both the next day." When Morris dwelt upon the Governor's opinion respecting these prizes, your Memorialist was wrapt up in silence, and so great was his indignation at the daring attempt to bias and influence your Memorialist, that humanity and good-breeding alone restrained him from not exercising that discipline which the audacity of the insult so justly merited.

That your Lordships may have some adequate idea of the merits of the contested rights of the said two Dutch ships, your Memorialist humbly begs leave to introduce his judgment and sentence against them in his last memorial, and in the same words as he delivered them in Court

ON

* The value of these two ships is said to amount to forty or fifty thousand pounds.

† A man of most infamous character in this Island.

‡ Between the hours of nine and ten at night.

on the said first day of this instant May.

Barbados, in Cur. Vic. Adm.

Edward Thomson, Esq.

And our Lord the King,

ver.

The ship Jonk Jan and Theodore, &c.

In every prize cause that is brought into this Court, and where the parties are between subject and subject, the several statutes appointed to determine those causes are exceeding clear and explicit in directing a Court what it ought legally and justly to do, but when the King interferes in this Court, and sets up a right to prizes taken by his subjects from the enemy; when the bounty too from the prizes themselves originates from his own Royal will; and when that will never yet once disappointed the subject of his hopes; when circumstances favour a Captor, but clash with the law; when the law is silent in describing, without any exceptions, the extensive limits of the rights of Admiralty, and when the King, thus uncircumscribed in his powers, makes a legal demand of his rights; when evidences embarrass a Court with a contradictory relation of facts, and when the circumstances are loose and unconnected to support the credibility of the witnesses; when the facts themselves are imperfect, and the cause in issue is novel; when all those things conspire and happen together, it requires an exertion of more than ordinary talents and experience to be able to separate the exact welfare of the subject from the due interests of the Crown. Such I conceive in some instances to be the case before us. If then I shall be mistaken in my opinion, for that mistake, let the defects of humanity plead my excuse; if I shall err in my sentence, for that error, let the integrity of my intentions justify my conduct;

if I shall offend in my adjudication, for that offence, let the nature of my trust shelter my decision.

Edward Thomson, Esq. Commander of his Majesty's ship *Hyæna*, and our Lord the King, have exhibited their respective libels against the ship *Jonk Jan* and *Theodore*, praying of this Court, that right and justice may be administered to them in the premises. Right and justice shall be always faithfully and impartially administered to every man, and without distinction of persons, as far forth as my skill and abilities will admit, while I am invested with the honour of presiding in this Court.

Thomson to shew his pretensions to the prize in dispute, offers for his witnesses, *Home Popham*, *Jan Reygers*, *Thomas Oosterman*, and *Jones Pawson*. Let us carefully attend to what these witnesses depose.

Here follows the chain of evidence:

We have now gone through the evidence in point, and for a more accurate determination of the present case before us, I conceive, it will not be amiss to discuss one question first, that is, when may a vessel be said to be captured? In answer to which, among all the trading nations upon earth, each separate people, to prevent confusion and disorder, has its own particular colours to distinguish them by; and these colours are worn by the several respective people as signs and marks to denote to what nation they properly belong. By the laws of nations too, in time of war, no deception of colours, when in actual engagement, can be justifiably made use of. It is likewise an universal practice among all civil maritime powers, that some token or signal of capture, and expressive of defeat, to avoid the unnecessary effusion of blood, should be given or testified by the parties engaging. And this token or signal, is made known by striking or pulling down

down the colours of the vessel that owns herself to be conquered.

Now in respect to this circumstance about the colours in evidence, there is a strange diversity of relation upon it; and though there was no engagement in the capture of the ship Jonk Jan and Theodore, yet if the case was determinable by that single point, the evidence would have very little weight in the scale of judgment; for Reygers swears, that the colours were struck half-way; Costerman, that nothing was done; Popham, that the colours were reversed; Fawson, that the colours were about to be hauled down; Clarke, that the colours were struck. If therefore, the capture of a vessel depends upon the instant of time, as I conceive it does, when the colours are struck, among all this contradiction of evidence, who could properly distinguish which was the primary or actual captor of the ship before us?—But as our observations upon this point at present are immaterial, I shall dwell no longer upon it, but hasten to the single point alone that must guide me in my judgment.

Whatever may have been ingeniously said by the learned advocates of Thomson, upon the subject of prizes, and of rights, between the King and the subject, it is necessary first to mark the line of distinction between the parties, and to separate the legal rights of the Crown from the granted rights of the subject. When we have done this, every captured vessel seized from the enemy on the high seas, where the same is litigated in a Court of Admiralty, I conceive, into this single, simple question.

Whether the taker is qualified or unqualified? Our laws have pointed out the necessary requisites whereby a captor shall be legally intitled to a prize, and if these requisites are not duly complied with, however

hard the case may be sometimes, a forfeiture must unavoidably take place. Clarke boarded and took possession of the ship before Plancknet, Fawson, or Thomson reached the vessel. Clarke did no more than what every good subject ought to do, for we are directed by our Sovereign to distress the enemy. Thomson now comes up, and by virtue of the King's commission, wrested the possession from Clarke. Here was an appearance of duty in Thomson; the act was official; and he manifested his powers by it. But did the act of itself invest Thomson with a right to the prize? It has been argued by the learned advocates of Thomson, and very logically and ingeniously, that neither the Crown, or Clarke, or Fawson, have any pretensions to the prize now contested for; and indeed it gave me great pleasure to hear how dexterously the Gentlemen expatiated upon every point but one, and that point they politely omitted for me to shine in, or to split upon. What! shall Thomson, who was acting immediately under the King's commission in his floating castle, who was legally pursuing his Master's orders, and who was zealously executing the duty of his trust; shall Thomson then after all this be thought to be unintitled to the prize he captured?—Impossible, say the advocates, *for eo instanti, infra presidia, (and why not too, regis dignitas, spes recuperandi, dulcedines belli?)* all, all to be sure, conspire to yield the palm to Thomson! all, all concur to establish his rights! In some respects I may agree with the advocates in opinion, but they forgot, or chose to forget, that *lex in re, lex omnipotens*, stands forth with his plea, and insists upon being heard. Now we all very well know that this same *lex in re* is a very obstinate sort of a gentleman; every court but one, is obliged to bend before his authority;

no wonder then, when he knits his brow before my judicial presence, that I would not listen to his will. To drop the metaphor.

Though facts in evidence shall point out the certainty of an actual captor, nevertheless, it will little avail him, if the same evidence does not prove him a proper captor. The requisites that constitute a proper captor must be first established, before the rights of the capture can be determined; and if a proper captor, upon the same evidence, makes his seizure one hour too late, let his qualifications be what they will, his contested rights cannot be legally established in the premises. For if A wrefts from B a thing that he had in possession, B must first prove his lawful right to that thing, before he can recover it from A. In short, it does not appear from any evidence, that Thomson is the primary taker of the prize in dispute, the very reverse of this fact is plainly and undeniably supported. His pretensions in the case, whatever they may be, I am not to consider or enquire into; it is his title to the prize that is now contested before me, and that title, *lex in re* overthrows and destroys. Before I conclude my attempts in elucidating what I have said, I must beg leave to trespass a little longer on your patience, by bringing to your minds a case in point; and in the sentence I shall pronounce in this cause, I am happy to find, that I shall be supported in my opinion, in a case of public notoriety in the King's-Bench, as reported in all the books. It is a case of the King versus Broom. There an application was made for a prohibition, but the Court unanimously refused to grant any prohibition, "because the Court of Admiralty had jurisdiction of the original cause, which was the capture, upon which the King's title immediately accrued."—If the worthy advocates chuse to read

this case, they will find it fully recited in Carthew's Reports, 398 Hilary Term, 8th William the Third. It is also reported in Salkilk, Levinge, and many other reporters, if I may credit Carthew's authority for it. Upon the whole then, I am humbly of opinion, that his Majesty's right in the ship Jonk Jan and Theodore, vested before she was boarded from the Hyæna; and I further conceive, that her being boarded by order of Capt. Thomson, after such investiture, did not, and cannot alter the property in the Crown.

For the reasons I have assigned in the summing up the evidence in this case, I do therefore pronounce the ship Jonk Jan and Theodore, her furniture, tackle, and apparel, together with all and every part of her cargo, to be a right of Admiralty; and she is hereby adjudged and decreed to the use of his Majesty, as a right or perquisite of Admiralty. And in order to avoid the embarrassments incident to the giving security in this Island, where there is no public bank or other repository for money, where the value of the said ship and cargo should be so placed, and the better to enable me to do the compleatest justice within my power, and in obedience to my trust, I do order and direct, and it is hereby ordered and directed, that Henry Crichlow, Esq. the Marshall of this Court, do forthwith take into his custody and possession the said ship Jonk Jan and Theodore, with all and every part of her cargo, furniture, and appurtenances; and that the said Marshall (as soon as may be) do advertise a public sale thereof, and proceed without loss of time to sell and dispose of the said ship, her cargo, furniture, and apparel, to the best advantage; and after defraying all the just and necessary expences and charges that have arisen, or shall be incurred in prosecuting to con-

demnation

demnation or selling the said ship and cargo in manner aforesaid, then he the said Marshall shall pay and deposit the nett produce of the said ship and cargo into the hands of his Excellency Major James Cuninghame, Esq. Captain-general, Governor, Chancellor, Ordinary, and Vice-admiral of Barbados, or to his official successor for the time being. And all and every person or persons who now have possession or custody of the said ship, her cargo, or furniture, or any part of the same, are hereby ordered immediately to use their best endeavours in aiding and assisting the said Marshall in putting this sentence into execution. And I do hereby further order, that he the said Marshall shall make a report to the Register of this Court, of the account sales of the said vessel and cargo, as soon as he can conveniently do so, after his selling and disposing of the said ship and cargo, that a true and exact state of the said account sales may be entered upon record, for the public inspection, and examination of all parties that may suppose themselves interested in this adjudication.

Immediately upon ending here, the advocates expressed their approbation of your Memorialist's sentence, and moved to return their thanks to him for the pains he had taken in scrutinising so accurately the evidence as he had done, and also for the assigning his reasons to the Court for the judgment your Memorialist had given against the ship and cargo of the Jonk Jan and Theodore; and afterwards another motion was made by the advocates of Edward Thomson, Esq. to pray for an appeal from the preceding judgment, which your Memorialist granted, upon condition that the necessary requisites in cases of appeal were first legally complied with. Judgment was next prayed for by the King's Attorney

General against the ship and cargo of the Anna Maria Elizabeth, libelled by Edward Thomson, Esq. and cross-libelled by the King. Your Memorialist then delivered it as his opinion, "That there was no evidence at all in any of the depositions, respecting the capture of the Anna Maria Elizabeth, to induce him to consider either the ship, or any part of her cargo, as a perquisite of Admiralty. That what had been argued by Mr. Attorney, of Fawson's mariners being the first that boarded the vessel, and of the intention of the Commanding Officer of the cutter's boat to capture the ship, was insufficient evidence to establish a right to the prize; that an intentional taker was one thing, and an actual captor was another; for the intentional taker did but half his business, whereas an actual captor compleated it." Your Memorialist, therefore, from several other strong circumstances and proofs collected from the depositions (as a reference thereto will fully appear) condemned, adjudged, and decreed the said ship Anna Maria Elizabeth, with every part of her cargo, to the use of Edward Thomson, Esq. and the crew of his Majesty's ship Hyæna. An appeal likewise from this judgment was then prayed for by the King's Attorney General, and the same was granted by your Memorialist, upon a due compliance with the usual requisites.

With all due submission to your Lordships, your Memorialist hereby most humbly prays, that your Lordships will deign to bestow a little attention to the pages that now follow. It nearly concerns every individual that is disposed to serve his Prince; it affects in some degree your very Lordships, as Commissioners appointed by the King to execute so great a trust as your Lordships are invested with; for if an Officer of the Crown,

and so high and sacred a one as that of a Judge, is to be punished for doing his duty, what man of principle or sentiment will venture to be in commission? of what government can be of any long existence under such policy? But it is not indeed for your Memorialist to pass an opinion where your Lordships are to exercise judgment, nor will he reprobate an offender before the offence is proved:

So speedily as the very next day after your Memorialist had published his judgment against the two ships and cargoes aforesaid, to wit, on Wednesday the second of May, your Memorialist was called upon by the Secretary of the Island, informing him, "That the Governor required your Memorialist's attendance the next morning at Pilgrim." The call was obeyed. In private and alone as usual, his said Excellency, after being seated, expressed his dissatisfaction of the late judicial proceedings of your Memorialist, in substance as follows: "That your Memorialist's opinion was wrong in not condemning the ship and cargo of the *Anna Maria Elizabeth* as a droid of Admiralty; that your Memorialist could not be justified by any authority or practice in ordering the Marshall of this Court to take possession of the ship and cargo condemned for the King, and for him the said Marshall to sell and dispose of the same, for it was a right be-

longing to him (his said Excellency) to appoint an Agent for the Crown; that your Memorialist had made it a practice to grant the * petitions of the captors and owners of prizes for leave to land and sell the vessels and cargoes before the time of condemnation; and that your Memorialist, for thus acting and behaving, must answer for his conduct at home."—To all this unnecessary reproof, so blameable in the person that made it, your Memorialist returned a full and brief answer, concluding, "That he should be very sorry to be put to any trouble by his Excellency, but that the whole of his public conduct had been such as to be able to support itself." Your Memorialist hereupon immediately retired. Retired indeed with astonishment and compassion! with astonishment, that a man, invested with so great a trust as the government of Barbados, should so arbitrarily interfere with the practice of Civil Courts, and to proceed as far, as not only to find fault with the judgment of the Judge, but even to censure him to his face for passing a legal and just sentence, merely because such sentence did not suit his own wishes and interest! with compassion, as such a precedent is not to be found in the annals of British freedom! If your Memorialist had even erred in his judgment, your Lordships are very sensible there is a superior Court to correct that error; therefore

* It has been the constant practice of all the predecessors of your Memorialist to grant the very petitions here alluded to by the Governor. It is likewise the practice of every other Court of Admiralty, as your Memorialist hath been assuredly informed. When the cargo was perishable, and the community was in want of such cargo, your Memorialist, for the general good of all parties, acknowledges, that he hath made it a practice to grant the petitions here censured; the petitioners being first obligated in a bond before the Register, for a large and ample sum to indemnify your Memorialist against all damages. It is remarkable, there never was a single instance during your Memorialist being in office, of any hurt or evil from this practice; on the contrary, there has been always much good and advantage accruing from it to the captors, as well as to the community.

therefore his said Excellency, for so treating your Memorialist as he hath done, cannot be justified, he humbly conceives, either by his instructions or by his powers. Of his powers indeed, his said Excellency often makes a boast; and, as if he could not bear with any person in a subordinate station to himself to possess any power at all, he was pleased to tell your Memorialist very early, "that he had seen the commission of your Memorialist, that he found he had great powers given him, but that he should dispute it with your Lordships." Who were the Lordships his said Excellency meant, your Memorialist will not undertake to say; but that his said Excellency did express himself to your Memorialist in the preceding manner, he is ready to depose, if ever required so to do. No reply to this extraordinary declaration of his said Excellency was made by your Memorialist; and it often dwelt upon his mind, suggesting therefrom, that his said Excellency was disposed to be on no good terms with your Memorialist; and to several of his particular intimates, he communicated the above anecdote, and about the very time it happened, the testimonies of whom will corroborate what his Excellency may deny.

On the very next day after the above-recited rebuke of his Excellency, the following very extraordinary letter was delivered by one of his said Excellency's servants, into the hands of your Memorialist:

Pilgrim, May 4, 1781.

SIR,

I desire to know by whose advice, and by what authority, you took upon yourself to appoint an agent for the Dutch prize the Jan Theodort, lately condemned by you for the King's use, as a droit of Admiralty;

and who has informed you, that so extraordinary a proceeding is conformable to the practice of the Admiralty Courts in England. And if you intend to persist in depriving the King of the right of appointing his own agent, which all his subjects may lawfully do, I must require you to explain your motives; and by what law or usage you can justify such a conduct. I am, Sir, your humble servant.

JAMES CUNINGHAM.

*To the Hon. the Judge of
Vice Admiralty.*

P. S. I desire that you will send me a speedy answer.

From the whole involuntary confession of this letter, without any remarks of your Memorialist's upon it, your Lordship will very plainly see, *whereabouts the shoe so sorely pinches*. But his said Excellency, as well as his adviser, forgot that every Judge, virtually by his office, represents the King; and of course, whatever agent the Judge appoints for selling the King's property, the same is to be considered as agent for the King, just as much as if his Majesty himself did make the appointment. To awaken, however, as much as possible, the recollection of his said Excellency, and his designing whisperer, that their measures towards your Memorialist in his judicial department, were not only arbitrary, but very unjustifiable, your Memorialist did forbear to return any answer to the above letter immediately, though an immediate answer was so peremptorily required of him. However, on the Monday following, your Memorialist writ to his said Excellency, and in these words:

May 7th, 1781,

HONOURABLE SIR,

To approach as nearly as possible to the practice of the Court of Admiralty

* The Secretary of the Island had furnished the Governor with a copy of the commission.

miralty in England, I sought out lately for the best information I could procure; and agreeable to that information, both probable and reasonable, I have endeavoured to guide myself in the sentence you complain of, and as far forth as my duty and skill enabled me to do.—My duty shall always regulate my conduct, and my conduct shall constantly exemplify my duty; being consciously persuaded; that in the faithful execution of my trust, it will never be imputed to me as a crime by my Sovereign, nor will it ever be brought against me as a fault by my judges.

Who my informer is, in respect to the practice of the Court of Admiralty at home, and of whom your Excellency appears to be so earnest to be told, I humbly conceive, it is very immaterial to know who the person is, since the propriety or impropriety of my conduct, in directing the Marshall of the Court to sell the vessel and cargo of the prize, will not depend upon the knowledge of the name of my informer, but must stand or fall upon the legality or illegality of my sentence.

If your Excellency is disposed to see my reasons at large, respecting the Jan Theodore, they are annexed to the proceedings thereto, in the office; and as I have been always ready to satisfy your enquiries for every part of my judicial conduct, so I shall still continue to do it, and with that proper respect and candor, which is due to your Excellency, from,

Honourable Sir,

your very obedient,
and most humble servant,

NATH. WEEKES.

His Excellency Gov. Cuninghame.

In reply to the above letter, Henry Crichlow, Esq. the Deputy Provost Marshall of this island, did,

on Tuesday the 8th day of this instant, May, officially deliver into the hands of your Memorialist, a certain paper, containing the following literal and exact words:

BARBADOS.

Whereas by his Majesty's instructions to me, under his royal sign manual, I am strictly charged and required to take especial care, that nothing be introduced or practised in any of the courts of this island which may tend to, or occasion delay, partiality, or any other just ground of complaint. And whereas it hath long been generally known, observed, and complained of, that you are in all respects a very improper person to fill so important an office as that of Judge of his Majesty's Court of Vice-Admiralty for this island.—And whereas the many cautions and admonitions I have given you, respecting the impropriety of your conduct, as Judge of the said Court, have been so far from having any good effect upon you, that your proceedings are of late become more exceptionable and irregular than ever. And whereas for the effectual prevention of the inconveniences and damages which his Majesty's service and the rights of individuals may sustain by your misconduct, it is indispensibly necessary to remove you from the said office. And therefore, by virtue of the power and authority with which his Majesty has been pleased to invest me, I do hereby remove you from the said office of Judge of his Majesty's Court of Vice-Admiralty in this island. And you are hereby removed from the said office accordingly. Given at Pilgrim, this * seventh day of May, one thousand seven hundred and eighty one.

JAMES CUNINGHAME.

To the Hon. Nathaniel Weekes, Esq.

To

* The same date of your Memorialist's letter to Governor Cuninghame, which was very justly taken and received by him as a full and decisive answer, that your Memorialist would not be under any wrong bias.

To this supersedeas, your Memorialist desired the said Provost Marshal to deliver to his said Excellency the following verbal answer: "That if his said Excellency had power to break him of his commission as a Judge, he thanked God, it was not in his power to break him of his honesty as a man."—Now your Lordships, in the first place, will be pleased to observe, that his said Excellency, in his supersedeas, introduces the instructions of his Majesty, respecting the practice of courts, and the conduct of Judges; but hath his Excellency been guided by the spirit of those instructions, where it is ordered, that no Judge shall be superseded, without an enquiry be first made into the conduct of such Judge, before the Governor and Council? Well did his said Excellency know, that had he pursued this liberal and candid mode of conduct against your Memorialist, his views would have been frustrated; for there never was any delay, partiality, or just ground of complaint of any sort against your Memorialist. His Excellency goes on to say, "That it had been long generally known, observed and complained of, that your Memorialist was in all respects a very improper person to fill so important an office as that of Judge of his Majesty's Court of Vice-admiralty." But by the same parity of argument, may not the very same reflection, and with notorious energy, be retorted upon his said Excellency, in his delegated capacity, by your Lordships? and by the same plea of justification on the part of his said Excellency, towards your Memorialist, may not the universal public of this island, be permitted to indulge the wish, that the very same mode of punishment will be justly exercised against his said Excellency by his superiors, as what he hath unjustly inflicted upon your Memorialist? Your Memorialist positively denies, that his

said Excellency ever cautioned or admonished him in any point or matter whatever as Judge of the Admiralty, excepting that of forbearing to grant leave to the petitions of the owners of private vessels of war, to indorse the name of the second in command, when circumstances require it, upon the backs of the commissions of marque; and if your Lordships will condescend to read the second note, in the first page of this memorial, his said Excellency's *reason* for this his *caution* to your Memorialist, will politically speak for itself. But as there never had been any *complaints* against your Memorialist, surely there was then no room for any *caution* from his Excellency. Hard too as this innovation bore on the adventurers of privateers, your Memorialist, after the *hint*, not *caution*, given about it, never once granted any of these kind of petitions, as his said Excellency had taken upon himself to interfere with your Memorialist in so harmless a matter, and when the necessity of it so seldom happened. Now your Lordships will behold in the conduct of your Memorialist in this instance too, and he flatters himself with no amenable censure for it, how strictly attentive he was to avoid every cause of exception that may be taken against him by his said Excellency, though your Memorialist had nothing to fear from his said Excellency for any part of his public conduct, and still less to dread of him, from his general good character. In the concluding part of his said Excellency's supersedeas against your Memorialist, he passionately complains, "That the proceedings of your Memorialist, *had of late become more exceptionable* and irregular than ever." Here the shoe pinches too sore to resist forbearance! But when, and to whom, have those proceedings been exceptionable? when, and to whom, have they been irregular? Wherein, and on what account, exceptionable?

ceptionable? wherein and for what purposes, irregular? Did not his Excellency suppose, that these pointed questions would call for explanatory answers? or could he suggest, that he was superior to any answers at all? But, with the humblest submission to your Lordships, the whole sum of the unpardonable crime of your Memorialist, is neither delay or partiality; is neither his fitness or unfitness to fill so important an office as that of Judge of your Court of Admiralty; is neither the good report, or the evil report of his past or present conduct; is neither the inconvenience or damage which his Majesty's service may sustain, or the hurt or evil which the rights of individuals may suffer, if your Memorialist held his commission any longer;—no!—it is neither one, or any, or all of these crimes can provoke his Excellency to do what he hath done!—no!—the crime, the abominable crime of your Memorialist is—DISOBEDIENCE.—DISOBEDIENCE to the will of his said Excellency, for daring to discharge his duty to his conscience and the laws! DISOBEDIENCE to his wishes, for not condemning the ships and cargoes of both the Dutch prizes as perquisites of Admiralty! DISOBEDIENCE to his hopes, for not making him the AGENT to sell the cargoes and vessels of the two said prizes!—DISOBEDIENCE then is the crime, the heinous crime, which your Memorialist allows himself to be guilty of; and though his said Excellency does not expressly say so in the substance of his supersedeas, it is most emphatically announceable in the blow of his measures. The removal therefore of your Memorialist, and out of a way, that was so obstinately injurious to the golden views of his said Excellency, is not so much to be wondered at, as coming from General Cuninghame; but will it not be startled at as a coming from the

Chancellor of Barbados? Your Lordships indeed are better able to see through the whole force of his Excellency's secret motives against your Memorialist, from the contents of his supersedeas, than from any observations that your Memorialist is capable of making upon it; and notwithstanding his said Excellency's admonition (which he never gave) have, indeed, wrought "*no good effect*" upon your Memorialist to fill unjustly his said Excellency's coffers, yet from the strict attention, which your Memorialist hath constantly paid to the duty of his trust, it can be fairly proved, that neither the service of his Majesty, or the rights of individuals, have wilfully, or knowingly, sustained any damage from the conduct of your Memorialist. Upon the whole, if your Memorialist was disposed to exercise his critical attempts on the malicious principles of the within supersedeas, not only on the account of its total want of veracity in every part of it concerning your Memorialist, as also on the conspicuous views leading to the gratification of that sinister passion that so unfortunately controuls his said Excellency, it would very clearly appear to your Lordships, after such investigation, that his said Excellency would have more real cause to retract his supersedeas with repentance, than your Memorialist would have any just reason to blush for his defence with shame. Indeed, if your Lordships will condescend to examine the said supersedeas, and even with the eye of favour, your Lordships will find, instead of an arrangement of facts, and a detail of allegations, that it contains not a single specific charge, or one decisive reason for the removal of your Memorialist; but that the said supersedeas is built on general ideas, and composed of vague surmises, just as best suited the purposes and conceptions of his said Excellency, and the

the suspected composer of it. Your Memorialist will also venture to assert to your Lordships, and with that confidence which is the companion of innocence, that his said Excellency cannot legally support a single charge of any known delay or wilful partiality, of any gross ignorance or base corruption against your Memorialist, in any one part of his judicial conduct, either to lessen him in the good opinion of your Lordships, or to disqualify him of the honourable trust he had so faithfully supported. A suspicion, it seems, took place with his said Excellency, that your Memorialist mistrusted him, by appointing the Marshall of his Court in preference to his said Excellency, for the selling the vessel and cargo of the prize Jonk Jan and Theodore. But the Marshall of the Court, as your Memorialist humbly conceives, is the most proper officer to dispose of all such property as shall be condemned for the King in the Court of Admiralty. And supposing that was not the case, had not your Memorialist, for the reason he hath already given of his said Excellency's conduct, respecting the Spanish launch, and the brigantine Commerce, every thing to suspect to the injury of the Crown, and the hurt of the subject, if he had pursued the same mode of adjudication in this his late sentence, in delivering up so large a property to be at his said Excellency's entire disposal? Besides, was your Memorialist so much to lessen and degrade the representative of the Crown, in appointing him a retailer of sugar and geneva, of coffee and cocoa? It was some time a doubt with your Memorialist, whether he should even make his said Excellency the King's banker

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in receiving the net proceeds of the said ship and cargo of the Jonk Jan and Theodore; but as his said Excellency had *expressly signified* to your Memorialist, *that he was * instructed by his Majesty to receive the droits of Admiralty*, he then thought it was his duty to order the net proceeds of the said vessel and cargo to be deposited in his said Excellency's possession, otherwise the money arising from the sales of the said ship Jonk Jan and Theodore, would have been ordered by your Memorialist to be delivered to the captor (upon a proper security being given for the same) and to be and remain in his possession, until his Majesty's pleasure was made known.

Your Memorialist was not at all disappointed in his expectations of incurring his said Excellency's displeasure, if he dared to frustrate the wish of acquisition, or presumed to balk the enjoyment of that acquisition, as the two last concluding lines to the preface in his judgment, in page the sixth of this memorial, will fully testify to your Lordships. So much indeed did your Memorialist anticipate his said Excellency's wrath against him, that at the very time he was drawing up his sentence of adjudication against the ship and cargo of the Jonk Jan and Theodore, he was confidently assured, in his belief and opinion, that he was then finishing his own superfeetas; and if your Memorialist may be permitted to declare his sentiments to your Lordships, he most humbly protests, that he would have persisted in following the dictates of his duty, if he had even expected something worse than a superfeetas from the hands of his said Excellency.

From a thorough consciousness
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* Since your Memorialist hath been displaced of his office, he hath been credibly informed, that his said Excellency hath no such instructions from the King. Your Lordships can easily know the truth of it.

therefore of the regular discharge of every part of your Memorialist's judicial duty ever since he hath had the honour to hold a commission under your Lordships, he is humbly persuaded, that no complaint for a misconduct of any sort whatever, has been once made *officially* to his said Excellency against him as Judge of the Court of Admiralty; and for a compleat proof thereof, can his said Excellency, with all that malice itself can contrive, produce any evidence against your Memorialist, to operate with that power of conviction with your Lordships, as that which your Memorialist hath hereby annexed to this his * memorial? And to the unspeakable comfort and consolation of your Memorialist in his present distressed and afflicted state of mind, the evidence here referred to, is a voluntary tribute from some of the most respectable members in this community, who have been repeatedly engaged and interested in all kind of Admiralty suits, and who have *all*, or *most* of them, by turns, experienced the strictest impartiality, and the most unfeigned rectitude, from the general different decisions of your Memorialist, as Judge of your Court of Admiralty, established in this Island. Will it not then seem wonderful to your Lordships, that his said Excellency, without the least apparent just cause, or even the most remote offence, directly or indirectly offered to him by your Memorialist, should not only interfere, and that unwarrantably, with the ancient and established rules and practice of the Court of Admiralty, equally harmless and useful,—should not only be offended, and that most arbitrarily, with the very judgments and sentences of

adjudication, lately exhibited by your Memorialist, allowed by the bar itself to be both legal and just; but should also presume to supersede your Memorialist, before he had previously acquainted your Lordships with his intentions, or before he had received your official consent so to do? But, indeed, had his said Excellency walked in that just and judicious channel of administration, it never would have answered the wishes of himself, and his contriving adviser; because the Court, the Bar, and the general evidence of all the *proceedings* of your Memorialist, would have justified his conduct, and manifested a full and entire satisfaction to your Lordships.

Many extraordinary reasons, and fatally pernicious to society, your Memorialist can assign to your Lordships for this unjustifiable supersedeas of his said Excellency; and as alarming as those reasons are to certain individuals in office, yet those individuals in office have that to dread only in idea, which your Memorialist feels in reality. Peculiarly unfortunate indeed hath been the fate of your Memorialist for some years past, and the little remains of property he had left from the general calamities of the Island, the late fatal hurricane swept away in ruin and desolation. His house, one of the best in the metropolis, his furniture of every sort, his books, together with the apparel of all his family were destroyed. Even to a state of indigence and want, your Memorialist, with a most valuable wife, and nine helpless children, have been unhappily reduced; and though your Memorialist had no other means to support himself and family than what your Lordships commission as

Judge

* See the certificate No. I. of the Agent's. Certificate No. II. from the Lawyers, will accompany the duplicate of this memorial, per next opportunity.

Judge of the Court of Admiralty afforded, yet his said Excellency, lost to every proper feeling of humanity and benevolence, insensible of the obligations of civil justice between man and man, and unpossessed of the first glorious principles that qualify a trust for Royal delegation, hath most cruelly deprived your Memorialist even of the said commission of your Lordships, making himself worse than the hurricane itself! so that his said Excellency, as your Memorialist can fully prove by the united testimony of every respectable and creditable member in the community, hath most illegally, most wantonly, and most inhumanly destroyed the very existence of a whole family, and merely to gratify his own selfish views, and to compleat the wicked designs of an universally reprobated * individual.

Thus unjustly displaced as your Memorialist hath been of his commission as Judge of your Court of Admiralty for this Island, by his said Excellency Major-general James Cuninghame; and thus injuriously dealt with by his said Excellency, without any reasonable cause whatever, your Lordships are most humbly requested to make a charitable allowance for every warm and unguarded expression that may have dropt from the pen of your Memorialist, either against the conduct of his said Excellency, or in the defence of his own cause, in this his Memorial. Passion he is persuaded is no proof of innocence, and though reflection is too often the language of injury, yet your Lordships will very easily perceive, that your Memorialist speaks more from the natural feelings of a distressed father, than from the vindictive resentment of an injured Judge.

If after an attentive review and disquisition of the facts that your Memorialist hath taken the liberty to set forth in this his Memorial to your Lordships, it shall appear to your Lordships, that your Memorialist is unjustly aggrieved, superseded, and punished, by his said Excellency Major-general James Cuninghame, your Memorialist most humbly prays that your Lordships will be then graciously pleased to replace your Memorialist in the commission and office as that of the Judge of the Court of Vice Admiralty of Barbados, and that your Lordships will be pleased to direct your Register to make out a new commission for your Memorialist for that purpose; and your Memorialist further most humbly prays of your Lordships, that your Lordships will graciously vouchsafe to order all such damages, costs, charges, fees, perquisites, profits, salaries, and emoluments, to be made good and whole to your Memorialist against his said Excellency Major-general James Cuninghame, agreeable to what your Memorialist hath already sustained and lost, and what he still sustains to lose, and to be deprived of, from, by, and thro' the unwarrantable superseas of his said Excellency; and that your Lordships will also be furthermore pleased and disposed to grant all such other relief and satisfaction to your Memorialist, as in your great wisdom and goodness, your power and benevolence, shall seem meet and right to your Lordships, and which the great justice and unexampled hardship of the case of your Memorialist most urgently solicits and implores.

And your Memorialist will ever pray, &c.

NATHANIEL WEEKES.

May 26, 1781.

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Head

* A Mr. Morris is the person here alluded to.

West-India Intelligence, continued from our last Number.

No. XXIV.

Heads of Argument in reply to Governor CUNINGHAME's supposed Defence, by the Agent.

*An Annex marked, No. IV. **

Before any notice is taken of the supposed defence (as given in Annex No. 3.) of Governor Cuninghame, to the charge of his having levied taxes upon the subject, under the denomination of fees, of his own authority †, and without the consent of the representatives of the people, it may not be amiss just to consider, and to state in brief here, what the legal objections are to such a measure.

And 1st, It is against the right of the subject by the fundamental laws of the land.

2dly, It is against the positive or statute law of England, which all Governors upon entrance into their governments, are bound by oath to observe and fulfil, so far forth as those acts relate to their conduct. See 12. Cha. 2. c. 18, 7 and 8 Will. III. and 11 and 12 Will. III. c. 12.

3dly, It is against the *lex loci*, or law of the island, enacted in express and special provision for the purpose; as first by the acts of the island, No. 6, No. 14, No. 44, and No. 55, all of which shew, and are intended to shew, that no fees are to be established or taken in the island, but by and with the consent of the legislature; that is, of the Governor, Council, and Assembly. Indeed, by the act No. 55, the Governor has the power of admitting some certain fees that might not have been settled before; but this very power is in proof and confirmation of what the law has enacted, viz. That no fees shall be established or taken, but by

and with the consent of the Legislature: for it was the act itself that gave the power, and not only this, but limits that power, as well to the quantum of the fee, as to the time of its existing, which is, "until the next sitting of the Assembly." And here, secondly too, as by the act No. 36, whereby the four and a half per cent. duty being given to, and (as the act was confirmed) accepted by the Crown, as a provision "for maintaining the honour and dignity of his Majesty's authority there;" such provision must necessarily, and of course, operate to the exclusion of fees, or of any other demand whatsoever, upon the island, to that use.

4thly, It is against the sense, the spirit, and the letter of the Royal Instruction itself, (71st Instruction, see page 359.) that permits and allows Governors to accept from the Assembly an additional salary, to that which they receive from the four and a half per cent. duty; for if a Governor can raise a salary for himself, and of his own authority, why is he directed, by this instruction, to apply to the Assembly for a salary? And why is he constrained, by the same instruction, not to take or receive any salary but that which shall be settled upon him by the first session of assembly after his arrival? And yet Governor Cuninghame, in the teeth of this instruction, has taken a salary of fees, and a pretty round one too, which the Assembly did, at no time, settle upon him.

5thly, It is against the original charter of the island, which was granted on the 2d of June, 1627, by Cha. I. to the Earl of Carlisle; for in this charter the inhabitants of the island are invested, "with all the liberties, franchises, and privi-

* These annexes are part of the Counsel's brief, of which this only is published.

† No notice is taken of the concurrence of a part of the Council with the Governor, in this measure, as their concurrence does not add, in the smallest degree, to the legality of the act; and therefore it is said to be of his own authority."

leges

leges of English subjects"; and, as expressly mentioned therein, "are not to be bound or charged by any act *without their own consent*." So too, it is against a solemn compact entered into between the people there on the one part, and Sir Geo. Ascue, in behalf of the Parliament here, on the other, in the year 1651, in which it is covenanted and agreed, "that no customs, imposts, loans, or excise should be laid, nor levy made, on any of the inhabitants of the island *without their consent in General Assembly*!" Such were our *ancestral* ideas of *colonial* liberty, even in the days of tyranny itself!

6thly, It is more particularly against the act of the 17th of Geo. III, which renounces the claim and gives up the right of taxation in America and the West-Indies; for if neither this claim nor this right be left in the Parliament of England, *a fortiori* it cannot be, or rather how much more must it not be, in the Governor of an island.

Such then being the state of these objections, it is evident from them, that this measure is directly against that law which is, which has been, and which, it is to be hoped, will ever remain to be, the birthright of every subject of the Crown of England. And yet Governor Cuninghame, having set up a defence for that measure, it would seem as if he had found out something which being to set aside this law, was of course superior to the law.

But now having seen what the measure is, let it be seen what the defence is. And the defence is, as it appears to be, certain extracts from, or minutes of, the Council-books in the island; which extracts or minutes being to prove (what is not meant to be denied) that fees were taken by former Governors of the island, and that those fees were taken under the authority of Royal Instructions, Governor Cuninghame under this authority on the one hand

(which by the bye is denied to have been given to him) and under those precedents on the other, sets up a defence for himself, which defence, though in inference only, is yet to set aside that law, which law is the birthright of the people: and this seems in brief to be the true state of the case.

But in order to judge more precisely of this defence, and in the fewest words, it may be best to consider the case in two points of view; first in point of law, and secondly in point of fact. And first, in point of law, the case being, "that fees were taken by former Governors, and that Royal Instructions were the authority under which such fees were taken," instead of saying, "that fees were taken" (as was most certainly the fact) let it be admitted for the moment, and to the end that Governor Cuninghame might not want a precedent, as he most lamentably does, to suit his own case better, that fees were *established* and *levied* upon the subject by former Governors without the consent of the Representatives of the People (as was most certainly not the fact) and what then? Because former Governors have been guilty of illegal acts, shall these illegal acts be quoted in precedent to support their own illegality? But these are not illegal acts, it may be said; for they were performed under the authority of Royal Instructions. Royal Instructions! What, shall Royal Instructions take away the right of the subject, dispense with the law, or otherwise repeal the law of the land! This was not law even in the reigns of the Stuart Kings; and how can it be so now, in the reign of a descendant from the House of Hanover? Shall Royal Instructions direct my property to be taken from me, without my consent! And yet Governor Cuninghame has done this, and without Royal Instructions too; in which to be sure he has done well, in that he has outdone his

his predecessors of former Governors; for in what they did, it is said, they acted under Instructions, but in what he has done, Lord George Germain assured the Agent, that it was under no Instructions from him. But admitting his having acted under Royal Instructions, what are Royal Instructions? Very good things to bind the conduct of those to whom they are given: but what have the people to do with Royal Instructions? They are not given to them, they are given to Governors, and whilst they may serve as directions for the conduct of Governors, they are no rule for the government of the people. If they are according to law, and the people are called upon to obey them, they will do so; but then it is the Law and not the Instructions that the people obey. On the contrary, if they are not according to law, the people will not obey them; for it is the law only that can force their obedience. The same is it with Royal Proclamations: when they are founded on the law, they are binding on the people; but when not, what are they? Mere sheets of royal waste paper: *Vox, et præterea nihil.*

So much then for instructions, and now for precedents: for if instructions won't do, precedents will. But what are precedents? Why very good things too, when conformable to the law; but when not, they act as two-edged swords, they destroy the cases of those who cite them, and, by their illegality, serve but the more effectually to confirm the law. General warrants were made use of from the Revolution down to the present reign. In this reign they were set aside as illegal, and whoever thought of urging the precedents they had afforded as arguments for their use in continuance? Charles I. too levied taxes upon the subject, and without the consent of the representatives of the people: but Charles the First

lost his head for so doing. Would it not be an awkward circumstance to quote this precedent in defence of this measure?

Hence then it is plain, that this case, although stated in the manner it has been, can find no shelter under the law: that neither Royal Instructions, nor Precedents are of themselves the law; nor have they, independently thereof, the force of a law: that they cannot make, nor can they alter the law; and therefore it is as plain, that he who acts illegally under either or both, must abide the penalty of the law as much as he who acts illegally without them; and as of which it is not to be doubted, but that Governor Cuninghame's case will afford a full and sufficient proof in point.

But now to consider, having done with the law, the case in point of fact. And what is the fact? Why the fact is as it has been stated, and as is not meant to be denied, that former Governors did take fees, and that those fees were taken under the authority of royal instructions: but the fact is not, as it has been stated too, and is therefore meant flatly to be denied, that any former Governor did ever dare presume to *establish* or *levy* fees upon the people without the consent of their representatives. This act of *royalty* was left for our Charles the First: for Governor Cuninghame the first. Former Governors *took* fees, Governor Cuninghame *levies* fees. But the short way to arrive at the truth of the fact is, to take its account from the history that belongs to it, and as stated in Governor Cuninghame's own defence. And here, as the first thing necessary to be observed, it will appear, and it will appear from the incontrovertible evidence of the acts of the island; that every individual *public fee*, before Governor Cuninghame's administration of the government of the island, was ascertained

tained by the law, and in distinct tables annexed to the several acts that established them. Thus then the several fees being set and provided by the law, for the several offices which the Crown by its undoubted prerogative had created in the island, it became the right of the Crown also to appoint such officers for the receipt of those fees as the King for the time being should in his pleasure think fit. And hence with those offices arose those officers of Secretary of the Island, Clerk of the Courts, Provost Marshal, Register in Chancery, Clerk of the Crown, and others, as that country knows to its cost in point of expence; and as this country knows to its cost too in the article of corruption: for these offices are made patent places of, these patent places are given to members of Parliament, whose votes are to be given in return for those grants; these members of Parliament appoint their deputies, these deputies nominate their sub-deputies, three, four, and five deep, and so raise by plunder and extortion three, four, and five rents out of these offices, in equal degree and proportion to the injury and prejudice of the people. And such was the state of these regulations. But now a question took place betwixt the Governor and the Secretary of the Island, about the division of the fees which the law had assigned to that office. The Governor conceived that a portion of these fees, such as probates of wills, letters of guardianship, licenses for marriages, letters of administration and so forth, inasmuch as they proceeded from his own acts as Ordinary of the Island, did rather belong to him, than to the Secretary of the Island. And so possibly most Governors conceiving, until the matter was regulated, it is as possible that most Governors might have been in the habit of receiving these fees: but be this as it may,

certain it is that Mr. Grey (afterwards Lord Grey) did in his administration separate those fees from the others in the Secretary's office, (all of which however, as has been before observed, were already established by the law of the island) and appointing a private Secretary of his own, did farm them out to that Secretary for 300 pounds a year, which he received to his own use. And this continued during his government. The like was done in the next administration of Sir Beville Granville: afterwards in the presidency of Mr. Sharpe. So it appears too in Mr. Crowe's administration; and then in Mr. Lowther's time. But what now happened? The Secretary of the Island, a Mr. Skeene, feeling himself aggrieved by these proceedings, complained of them to the Crown, and in so doing he disputed the right of the Governor to any fees: He said, that he being the patent officer, they all belonged to his office: He went further; he doubted the right of the Governor to appoint a private Secretary, and what was the issue? Letters mandatory went out from Queen Anne, confirming the complaints of Mr. Skeene, removing the Governor's private Secretary, upon the suggestion that he had not a right to appoint one, appointing Mr. Skeene himself, who was the public Secretary, to be the private Secretary too of the Governor, and directing that the fees which the law had assigned to his office should be received by him. And thus from that time to this (and which is ever since the year 1707, 74 years ago) no one Governor has ever claimed or demanded, or has ever thought of claiming or demanding, even of those *legal* fees which former Governors used to take, a single fee in the Island.

This then is the state of this fact, (of former Governors taking fees in the Island) and such the history that belongs

belongs to it; whence it is plain in conclusion, that Gov. Cuninghame has as little ground to stand upon in point of fact, as he has in point of law; both are against him, though indeed for what either are worth, under any circumstances in point of authority, both may be for him; and yet such is the law, and such are the precedents, that he has thought fit to adduce in support of his conduct; precedents that are taken as stated by himself, and law founded on instructions, which even it is denied that he ever received: but as upon what he means to liken the cases is still left for himself to explain, so here to point out their difference would be more than unnecessary to do. Suffice it to say, that in the former case the dispute was between the Governor and the Secretary of the Island, respecting the division of those fees which had been already ascertained by the law, and not between the Governor and the people. With *those* the question was, who was to have the lion's skin, and who the ass's; or whether they were to be divided or not: with *these* there was no question at all. No Governor had attempted to establish fees of himself, and to levy those fees upon the people. What was demanded was a portion of those fees which the law had established before, and whether the private, or the public Secretary, or both, or neither, or any one else that the Crown should appoint, received them, was matter of no concern to the people. The case was, as has been said, between the patent Officer and the Governor, and the patent officer succeeded. Had Governor Cuninghame pursued the same measures, whilst the people had been silent, his precedents had been more to his purpose; but he went a surer way to work: he thought (but wherefore it is unnecessary to enquire) that the *substantial* rights of upwards of twenty

thousand loyal subjects of the Crown would weigh lighter in the balance than the interest of a single patent Officer when opposed to him. He made his election, and in so doing has invaded the rights of the people. The case therefore is now between him and the people. A people who have public virtue enough amongst them to be united to a man, and to a man are resolved like men to defend and maintain their rights.

Upon the whole then, if, on the one hand, what Governor Cuninghame has done shall appear to be founded on the law, the people will bow obedience to that law: if, on the other, it shall appear to be *contrary to law*, and the Governor should still call for obedience, the people will *resist*: they will resist in loyalty to the King, in love and attachment to the laws and constitution of the Parent-state, in respect to the rest of their fellow-subjects, in duty to their own native Island, to themselves, to their wives, to their children, and to posterity: for in such a case resistance is the law of the land, and the law of the land being the birth-right of the people, the people are bound by the bonds of society not to surrender but with their lives, the rights that have been reserved to them by that law.

SAMUEL ESTWICK.

London, Nov. 1, 1781.

No. XXV.

P E T I T I O N.

To the Right Honourable the Lords Commissioners for Trade and Plantations.

The humble Petition of SAMUEL ESTWICK, Agent for the House of Representatives in the Island of Barbados, and in behalf of the said Island,

Sheweth;

That your Petitioner did, on the 18th day of August last, leave with the

the Secretary of the Board a Petition, to which, as for the facts therein stated and contained, he now begs leave to refer your Lordships: but inasmuch as Governor Cuninghame has, since the said 18th day of August last, transmitted, in obedience to your Lordships order, his defence (such as it is) to the charges that had been before exhibited against his conduct, your Petitioner is aware that the prayer of that petition is inasmuch already answered thereby.

That under these circumstances your Petitioner had not again presumed to have troubled your Lordships with any further solicitation, but resting, as he still does, in the utmost confidence of your Lordships justice, and in the entire assurance that as your Lordships were pleased "to lose no time," (and for which your Petitioner is instructed in behalf of his constituents, most humbly to thank your Lordships) in calling upon Governor Cuninghame to answer to the very high crimes and misdemeanours with which he has been charged, so too that no delay would have been suffered in bringing so important a business before your Lordships, your Petitioner had waited with the same ease and patience for the time, when your Lordships pleasure had made it his duty to have obeyed the commands of the Board for him, if the occurrence of a late fact had not, from its very serious nature, rendered it as essential to state this fact to your Lordships, as it is, in consequence thereof, to call for your Lordships direction with respect to your Petitioner's conduct.

That the fact alluded to has come to your Petitioner's information, in the following words; "Governor Cuninghame has written a letter to our President Dotin, for his eye and the eye of his friends, in which he says, that he has a letter from Lord George Germain *assuring* his Excel-

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lency, that "his *Majesty* approves of his conduct down to the 2d of May."

That this intelligence has overwhelmed his Majesty's loyal subjects in Barbados with the deepest grief and concern, lest that, by false suggestions and wilful misrepresentations, they should have fallen so far, and so undeservedly too, under the heavy weight of his Majesty's displeasure, as that, pending an appeal to his Majesty in Council, after his Majesty had been graciously pleased to refer the charges set forth in that appeal to the consideration of your Lordships, after your Lordships had, with so much attention, and so readily, issued the order of the Board for the defence of Governor Cuninghame, after this order had actually reached Governor Cuninghame's hands, before the complainants had been heard in support of their charges, and whilst the appeal itself was *sub judice*, still to be heard, and as yet undecided, they should find its merits so far entered into, prejudged, and predetermined, as to occasion Governor Cuninghame to write a letter to the President of the Island, in which he says, "that he has received a letter from Lord George Germain, *assuring* him that his *Majesty* had approved his conduct" (that *very conduct*, which having been the subject of complaint to his Majesty, was then the object of reference to your Lordships) "down to the 2d of May."

That this letter has not only so tended to afflict and distress his Majesty's loyal subjects of Barbados, as has been said, and as might well be supposed, but it has had this further mischievous and unhappy effect, that instead of Governor Cuninghame being rather induced from the circumstance of your Lordships order to him to desist from his measures, at least until he had justified his conduct, this letter has given fresh en-

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couragement to his oppressions; and so far from lessening the before unwarrantable bounds of his avarice and rapacity, it has served but the more decidedly to widen and extend the limits of both.

That standing in this predicament of situation, your Petitioner, in his capacity of Agent as aforesaid, is wholly at a loss to know what steps he is to take, or in what manner he is further to proceed.

That to apply for decision after judgment has been given is a mockery of justice, as indecent towards your Lordships, as it would be unbecoming in him to do.

Your Petitioner therefore most humbly prays that your Lordships would be pleased to inform him, whether this use of his Majesty's name, by Governor Cuninghame, under the authority of Lord George Germain, one of his Majesty's Principal Secretaries of State, is to be considered as *final and conclusive* in judgment as to the charges that have been exhibited against the conduct of Governor Cuninghame; and if not, that your Lordships will be pleased to appoint as short a day as may suit with your Lordships convenience to hear and determine upon the said charges. And your Petitioner will every pray, &c.

SAMUEL ESTWICK, Agent.

*Lower Berkley-street,
Portman-square, Nov. 6, 1781.*

ANSWER to the above PETITION.

Ordered, That Mr. Estwick, Agent for the Assembly of Barbados, be informed, by the Secretary, in answer to such part of the prayer his of petition as refers to a speedy appointment of a day of hearing, that their Lordships, in obedience to his Majesty's commands, signified to them by Lord George Germain in his letter

of the 24th of February last, should have proceeded to hear the matters in complaint against the Governor of Barbados, if his defence had come to hand; however, as a considerable time has elapsed since the directions of the Board have been received by him, their Lordships, in consideration thereof, and to avoid inconveniencies incident to a longer delay, resolve to appoint a day as soon as may be after Christmas, for hearing the complaints set forth in the Petition of the Assembly to his Majesty, relative to the fees established by the Governor with advice of the Council, as far as they may be enabled by such evidence as shall be then before them.

No. XXVI.

SPEAKER'S Letter to the AGENT.

Barbados, July 13, 1781.

S I R,

By order of the new House of Assembly, which was elected on the 9th, and returned and sat the day after, the 10th, I have the honour to transmit you the inclosed Petition from the Inhabitants of the Parish of St. James to that House; an order, which I have the pleasure to inform you, was given me without one dissenting voice in all that newly chosen Assembly; consisting, as it does, of all the same Members that composed the last, except two, and one of those came in, upon the absence of one of the former Members, for the Town, off the Island, yet both concurring with the twenty other Members, to form an union of the same free and honest sentiment and resolution, upon the subject of this Petition;—Nor is it without a suitable satisfaction I am led on this occasion to observe with truth and justice, that the circumstances of this new General Election, upon the Governor's Proclamation to dissolve the former Assembly, serve upon the clearest review

review of them, to discover the gross injury done to the honour of the former House, by the reasons assigned in that proclamation for dissolving it; and which must convince his Majesty and the nation, when all these circumstances come to appear, that the sense of the collective body of the people, so far from differing from that of the Representative, is the very spring that moves it, the soul that animates this body, and determines their proceedings, in opposition to all the arbitrary, oppressive, or unconstitutional acts of our present Governor; dispelling every shadow of a pretence, that such opposition is founded in the views of faction, by so general as well as brilliant an appearance of the spirit of true British Freedom only, over the whole community; a community, however, which, until roused by the natural resentment of unusual attempts to govern them by a despotic sway, have stood distinguished for the warmest principles of loyalty to the Crown, above every jealous attachment to their own peculiar rights, and whose bosoms, still glowing with the same ardent affection for the person and government of our gracious Sovereign, languish only for a ray of representation of his Royal Virtues, in a faithful substitute at our head.

I am, Sir, with my accustomed regard, your most obedient humble servant,

JOHN GAY ALLEYNE, Speaker.

To Samuel Estwick, Esq.

Agent for Barbados.

No. XXVII.

Parish of St. James, July 10, 1781.

To the worshipful the House of Assembly.

The humble Petition of the inhabitants of the Parish of St. James,

Sheweth,

That your Petitioners have beheld, with peculiar satisfaction, the virtuous spirit of this worshipful House,

struggling against the arbitrary and oppressive measures of his Excellency Major-general James Cuninghame, and his Majesty's Council of this island; and that they feel their pleasure heightened by the reception which the address of the representatives of the people met with from his most gracious Majesty, and at the prospect of a decision, favourable to the liberties of this country.

But this petition further sheweth that, notwithstanding the noble efforts of this House, to withstand these oppressive measures, the Governor has by no means desisted from them, but with the sanction of the Council's authority has continued, and still continues, to levy and exact from the people large sums of money under the title of fees, contrary to all law, usage, and precedent, encumbering thereby all public business, impeding the free course of justice, and subverting the principles of that constitution, the birth-right of the natives of Barbados in common with the inhabitants of England, by taxing the people without the concurrence of their representatives. Your petitioners, therefore, pray that these their just complaints may be transmitted by this worshipful House to their agent at home, to be laid by him at the foot of the Throne, humbly supplicating his most gracious Majesty to redress the grievances of his loyal people of Barbados, attached in affection and principles to his royal person and government, and praying his Majesty to signify his royal disapprobation of the conduct of those members of the Council, who voted for the establishment of the fees, so as in time to come, to deter the members of that board from prostituting the honour of their high station, by obsequious compliances with the arbitrary and avaricious inclinations of any future Governor.

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And

And your petitioners, as in duty bound, will ever pray, &c. &c.

(A true Copy)

Signed with the names of all the principal inhabitants of the above parish.

JOHN GAY ALLEYNE, Speaker.

No. XXVIII.

The following is the copy of a letter from SAMUEL ESTWICK, Esq. Agent for the Island of Barbados, to Admiral Sir GEORGE BRYDGES RODNEY, Bart.

Lower Berkley-street,

Portman-Square, Dec. 3, 1781.

SIR,

It being the business of my office, as Agent for the Island of Barbados, to watch over and attend to the interest and welfare of that country in this, it became my duty, upon the publication of your dispatches to Government here, in the Gazette of the 23d of April last, to write to my constituents there, in the following words:

After speaking of the surrender of Demerara and Iffiquibo to his Majesty's arms, I proceed to say, "but there is somewhat else in the Gazette, which I must mention for another reason." It is there said, "the only danger" (that is of supplying the French Islands with provisions and stores) "is from the *British Islands*, whose Merchants, regardless of the interest they owe to their country, have already contracted with the enemy to supply them with provisions and naval stores. My utmost attention shall be to prevent their treason taking place." And then I add, "I flatter myself, even under this very general description, that the Island of Barbados is still an exception to this charge; and that the Merchants there will enable me to contradict and remove this high offence from them."

It is now therefore, Sir, and in consequence of what I have recited, that I take the liberty of troubling you with this letter.

The Merchants of the Island of Barbados feeling themselves, by the generality of this charge, comprehended under its infamy and reproach, attentive to their characters as men, jealous of their credit as merchants, proud of that loyalty to the King, and of that attachment to this country, which as they profess they are no less anxious to make manifest, have unitedly, and in their whole collective body in that Island, transmitted to my hands their representations upon this subject, in exoneration of themselves from the weight and pressure of this accusation.

But inasmuch as it is from your hands that they are, in the first instance, to look for that justice to which they think themselves entitled, it is to you that I am moved to apply. And as in addressing myself to one of your exalted rank and station, I am sensible, that in proportion to the value and esteem, which you must necessarily set upon your own honour and character, you will respect the honour and character of others, so I have not the smallest doubt but that you will *most readily* inform me, whether the Merchants of the Island of Barbados are to be considered, or not, as falling under the guilt of that charge, which, *without exception*, at present remains as a charge upon the Merchants of *all* the British Islands; and if they are, that you will so far extend your justice to the *innocent* as to point out the *guilty* persons to them; to the end that how many soever these guilty persons may be, and whoever they are, they may be brought to that exemplary and condign punishment which a crime so heinous in its nature so deservedly calls for and demands.

The reasonableness and necessity of this application, I trust, will require no apology from me; and further I have only to add, that a packet being on the point of sailing for the West

West Indies, I am to request that you will do me the favour to furnish me with your answer as soon, within this time, as may be convenient to yourself. I am, with much respect, Sir, your most obedient, and very humble servant,

SAMUEL ESTWICK.

To this letter no answer having been sent, Mr. Estwick wrote the following note to Sir George:

Mr. Estwick presents his compliments to Sir George Rodney, and not having had the honour of an answer to the letter which he wrote and sent to Sir George early on Monday morning last, he is afraid that there has been some omission in the delivery of it. If, however, it has been received by Sir George, Mr. Estwick would be much obliged by an answer, as his dispatches for the island of Barbados, which ought to have been forwarded by last night's mail for the packet, are now kept open for this purpose.

Lower Berkley-street, Portman-square, Dec. 6, 1781.

*To Admiral Sir George Brydges
Rodney, Bart. Grafton-street.*

To this note the answer received on the following day, by Mr. Estwick's servant, from Sir George's porter was, that Sir George had set out for Portsmouth early that morning (which, by the bye, was not a fact, for it afterwards appeared, that Sir George did not leave town till between three and four o'clock in the afternoon, which was upwards of five hours after the note was delivered) and that Sir George was not to come back to London any more.

Now, whether the conduct of Mr. Estwick, in the above instance, towards Sir George Rodney, merited in point of civility, the return it met with from Sir George Rodney, in giving no answer *whatever*, either to Mr. Estwick's letter or note, being matter of a private nature, is not meant (although the public will

judge thereupon) for public discussion. But inasmuch as Sir George Rodney has declined to render that justice to the merchants of Barbados, which, through the medium of Mr. Estwick, he was politely requested to do, and to which, as an injured people, they were deservedly entitled, the following is a copy of the merchants' address to the agent, signed by their whole body, and transmitted to the agent's hands, in justification and defence of themselves:

Barbados, Aug. 18, 1781.

SIR,

As the latitude you have afforded to the expression of our complaints, and the defence of ourselves from the heavy charge which excited them, seems to preclude the necessity of an apology for this address, we shall not trouble you with any, for either giving utterance to the one, or for employing your services to establish the other. The zealous and generous attention to the interest and honour of your much injured countrymen, which you have displayed on this important occasion, claims so strongly the warmest returns of our gratitude, that we cannot forbear giving the clearest proof of our sense of the obligation, by controuling the impulse of our resentment, at the very entrance upon the representation of our wrongs, till we have discharged the pleasing and indispensable duty of making you our acknowledgments. In the name therefore of *that whole body* of men, in this island, who are involved, by the description of Sir George Rodney, in the criminal charge of obstrueting the effects of his Majesty's arms in these seas, by a clandestine and traitorous intercourse with his enemies, we beg leave to offer you our sincerest and heartfelt thanks for beholding us with so favourable and fond an eye, while degraded in the public esteem by ~~the~~ *base* accusations; and for holding out to our innocence

cence the generous assistance of the promise of your endeavours to restore us to our original and enviable rank in the affections of our beloved Sovereign, and to regain us the goodwill and regard of our fellow subjects in Great-Britain, which have been obviously impaired by the *black and infamous* misrepresentations, and to which the kindest and most cordial sentiments on our part for their welfare and success, give us the best-founded claim.

With a degree of surprise, which could have been only equalled by our concern, have we beheld a British Admiral of such high and distinguished rank as Sir George Brydges Rodney descending, *in a public official dispatch, to a hasty, pernicious*, and with respect to ourselves in this dutiful colony, we will venture to assert, a *false* impeachment of the loyalty of his Majesty's subjects in his West-India islands. Within the limits of this exception, and confining our denial of the charge *solely* to the inhabitants of this island (as we cannot be supposed to be sufficiently possessed of facts, nor indeed even authorized if we had the knowledge, to enter into an exculpation of our sister colonies) we will put the Admiral at defiance, to support what he has so *solemnly* delivered. Yet injured as we are by being considered, through the *vague* and *unapplied* terms of the Gazette, as of the number of the abandoned and infamous offenders, we cannot but tremble for the consequences which will naturally recoil upon the Admiral himself, should he decline the public invitation, which we wish through your means he may receive. We feel how deeply and closely our national honour is connected with the reputation of our officers, and hence arise our apprehensions; for we cannot foresee how much Sir George Rodney will be called in question by his withdrawing himself from the support of his charge, when

called upon by an appeal to the public, on the defect of his intelligence, his discretion, his activity, and of every other principle which could have preserved the verdure of his laurels. Sir George Rodney, without the least qualifying or softening exceptions, has affirmed that, "the only danger of supplying the French islands with provisions and stores is, from the British Islands, whose merchants, regardless of the interest they owe their country, have *already contracted* with the enemy to supply them with provisions and naval stores," and adds, that "his intended diligence, can be the only security against the execution of their treason." Now, Sir, we the mercantile inhabitants of his Majesty's ancient colony of Barbados, *most solemnly, wholly and publicly deny the charge*, and declare, that at no one period of our lives have we yielded to the base suggestions of interest in contempt of the sacred claims of our country, and thereby rendered ourselves liable to the imputation of such horrid and extreme wickedness. Nor do we stop at this point, but continue to assert that, though on the one hand candour prompts us to believe the magnitude and high criminality of the offence itself, and the extent of injury which could not but surround any description of men against whom it should be barely insinuated, must have induced the Admiral to weigh well the circumstances, and to examine very minutely into the facts, with all their dependencies and connections, on which he meant to ground his impeachment; yet, on the other, our own perfect, conscious innocence forces us upon the reproach, that the Admiral has propagated an opinion, which was at first taken up without caution, and which has been since handed to Administration, from motives which, whenever developed, may contribute but *little to his honour*. These last, Sir, are mysterious terms; they

they must remain so for us; we are above recrimination. Some manœuvres at St. Eustatia may, perhaps, hereafter be subjects of public enquiry. Before we dismiss this matter, we must employ the opportunity of declaring, we shall be extremely thankful to Sir George Rodney to select, if he is capable, any members of our community, whose conduct has been marked by a practice so flagitious as the supply of the enemies of our country with provisions and stores, either by *direct* or *indirect* means, in order that they may receive not only public chastisement for their treasons, but the detestation of their fellow citizens. It is not within the reach of any system of policy to guard completely against the depravity of every individual subject to its controul: but, surely, there cannot be a greater degree of injustice, nay, even wickedness, than to expose any society to censure or punishment for the crimes of a few of its members. It is equally certain too, that the Admiral's vigilance and zeal can merit but little compliment upon a full discussion of this business; when it is considered that he contented himself with only passing a heavy censure upon treasons of the greatest magnitude, and stopped short of bringing the perpetrators of it to that infamy and destruction which the laws of his country pointed out and awarded, upon an establishment of such proofs as he must have possessed to justify the little ceremony with which he has impeached. Such a public prosecution of the traitors, is a measure which the success of the Admiral's own naval operations, and his fidelity to his Sovereign, seem to have exacted: at least it would here been a measure of substantial justice, the guilty would have then suffered his sentence, and the reputation of the innocent would have remained unpolluted by the breath of calumny.

Thus supported by the perfect ease of our own feelings, which acquit us totally of any participation of the offence, and placing a just confidence in the strong motive with which the history of our little country will furnish our Gracious Sovereign for discrediting, and ultimately rejecting that part of the heavy charge which affects us, we should rest here, and risque our cause upon the ground where we have already placed it, namely, the Admiral's producing proofs of our guilt.—But we must intrude one moment longer on your leisure, and claim your attention, while we endeavour to wipe off one of the most deadly stains, which ingratitude, perhaps, can admit. And here give us leave to hesitate and enquire, what epithets ought to characterize those opinions and measures which, pernicious as they are, were adopted at first without proof, and have since been published and pursued with apparent anxiety; and which, while the eye of parental tenderness was streaming for our misery, produced by a great natural evil, and while the hand of benevolence was nobly extended to the relief of it, were calculated to deaden the impulse of the one, and to circumscribe the generous exertions of the other? Is there a single fact, in the annals of this country, which can justify the belief of our having attained that savage want of feeling, which would allow us to stab our benefactor at the very moment of the enjoyment of his bounty? or can we be supposed so politically ignorant and blind, as not to know that every success of the enemy against the mother country opens one avenue to our own reduction, and that every injury she sustains, is only an instrument to our ruin? We persuade ourselves therefore, that our fellow subjects of Great-Britain, judging of us in our present humiliating condition by our former conduct, and allowing only

only the proper weight to analogy, which is always the fullest and best defence, where solid proofs of guilt are wanting on the part of the accuser, will disregard the *infamous* insinuation, and will treat it with the abhorrence it so loudly calls for.

It is indeed true, Sir, that the ambition, the habits and temper of *some men*, who have lately been among us, and whose measures have met with more opposition than they had been perhaps accustomed to experience, may tempt them, upon their return home, to represent us as an obstinate and factious people: but let our brethren of Great-Britain reflect, before they suffer themselves to be influenced by such misrepresentations, how much they owe to a timely opposition to the unwarrantable claims of power: nothing less, Sir, than *the glorious Constitution* we all in common enjoy. And let them know moreover from us, that even across the vast Atlantic Ocean, there

are inhabitants of a small speck of earth, who feel so keenly the excellence of that constitution which was acquired by the arduous efforts of their ancestors, and which has been the subject of admiration to all nations and all ages, that they are ambitious of having their political principles built upon its pure and beautiful model: and that, though they never lift their eyes to the throne without feeling at their hearts the impression of the purest attachment, and of the most profound and dutiful respect, and that though they can yield the most ready and cheerful obedience to the source of power, from their unbounded confidence in the benignity by which it is exercised, yet they can never become insensible to the claims of liberty, *nor decline the trials* to which she calls forth their virtue, in restraining and opposing the abuse of it in those who only enjoy a delegated portion.

We are, Sir, very respectfully,

your faithful humble servants,

Will. Thomson, jun.
Hanb. Gosling
Samuel Le Gay
Tho. Thompson
Rich. King
Edward Ireland
Tho. Maxwell
Tho. Walker
Phil. Lytcott
Joseph Jordan, jun.
James King Went
Tho. Applewhaite
John Gill
Samuel Perry
Hen. Trotman
Tho. Chase
Val. Jones

Sam. Went
Robert Eusing
Rob. Clark
George Phillips
John Tucker
Paul Taylor
George Barclay
Benj. Bissell Forte
Henry Fisher
William Blackett
Jona. Perking
Stephen Blackett
Alex. Graham
W. Thompson Armstrong
Joseph Harris
James O'Neale
Benjamin Agard

Will. Clarke Goodridge
Tim. Killman
William Hawkesworth
Edmund Skinner
John Porter
Rd. Hendy
James Ramsay
James Frazer
Philip Burrowes
W. Bostock
Tho. Griffith
Philip Lovell, jun.
Thomas M'Intosh
Robert Walcott
Thomas Phillips, jun.
John Wall
Will. Firebrace.

To Samuel Estwick, Esq. Agent for the island of Barbados.

*From the LONDON GAZETTE.
Admiralty-Office, Nov. 17, 1781.*

The following extracts of letters from Rear-Admiral Graves, Commander in Chief of his Majesty's ships in North America, to Mr.

Stephens, were received the 14th instant, by Captain Manly, of his Majesty's sloop the *Lively*:

London, at New-York, Oct. 16, 1781.

Be pleased to acquaint their Lordships, that the *Santa Magarita* arrived

rived here the 7th instant, with her convoy, from Cork, consisting of 42 sail, for New-York; three only had parted company.

The Carysfort, which I had sent to Halifax, returned the 8th, and in her way back had the good fortune to meet with a mast ship, bound to Cape François, on the French King's account, with a considerable quantity of masts for large ships.

The Torbay and Prince William arrived here the 11th, having parted from the Jamaica convoy the 21st of September.

The Nympe returned from cruizing off Cape Henry, and brought in five prizes, taken by her and the Amphion.

London, off Sandy-Hook, October 19, 1781.

My last letter could not fix the time of my sailing, the ships were, however, moving down as they could be got ready, and on the 17th, so soon as the tide served, I got under sail with the remainder of the squadron, except the Shrewsbury, Montagu, and Europe, and got down with the help of the afternoon tide to Sandy Hook.

The next morning we embarked all the troops on board the men of war from the transports, to the amount of seven thousand one hundred and forty-nine (officers included) and this morning the whole fleet sailed, and got safe over the Bar, consisting of twenty-five sail of the line, two fifties and eight frigates, and the whole are now under sail for the Chesapeake.

A numerous convoy appears off, which we judge to be the English convoy, as they are making for this place, and the most advanced shew English colours.

The fleet abovementioned proves to be the Centurion and her convoy, which are all arrived (except eight private traders) and are now standing in for the Hook.

VOL. XIII.

From the LONDON GAZETTE.

Whitehall, Nov. 27, 1781.

Extract of a letter from Sir HENRY CLINTON to the Right Honourable Lord GEORGE GERMAIN, one of his Majesty's Principal Secretaries of State, dated on board the London, off Chesapeake, the 29th of October, 1781, brought by Captain MELCOMBE, of his Majesty's ship the Rattlesnake, who arrived in town late on Sunday night.

Agreeable to the information which I had the honour to give your Lordship in my last dispatch, the fleet under the command of Rear-admiral Graves, sailed from Sandy Hook on the 19th inst. and arrived off Cape Charles on the 24th, when we had the mortification to hear, that Lord Cornwallis had proposed terms of capitulation to the enemy on the 17th. This intelligence was brought us by the pilot of the Charon, and some other persons who came off from the shore, and said they had made their escape from York on the 18th, and had not heard any firing there since the day before. The Nymph frigate also arriving the next day from New-York, brought me a letter from his Lordship, dated the 15th, the desponding tenor of which gives me the most alarming apprehensions of its truth. Since then we have been playing off the Capes, with variable and hard gales of wind, to the present hour, without being able to procure any further information, except from two men taken in a canoe, whose report exactly corresponds with the former.

Comparing, therefore, the intelligence given by these people, and several others since come in, with the purport of Lord Cornwallis's letter, a copy of which I have the honour to inclose for your Lordship's information, we cannot entertain the least doubt of his Lordship's having capitulated, and that we are unfortunately too late to relieve him; which

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which being the only object of the expedition, the Admiral has determined upon returning with his fleet to Sandy-Hook.

I beg leave to mention to your Lordship, that the army is under the greatest obligations to the Admirals, the Captains, and the officers of the King's ships, for the cheerfulness with which they submitted to many and great inconveniencies for our accommodation on this service

Copy of a letter from the Earl CORNWALLIS to Sir HENRY CLINTON, dated York-town, Virginia, October 15. 1781.

SIR,

Last evening the enemy carried my two advanced redoubts on the left by storm, and during the night have included them in their second parallel, which they are at present busy in perfecting.

My situation now becomes very critical. We dare not shew a gun to their old batteries, and I expect the new ones will be opened to-morrow morning. Experience has shewn that our fresh earthen works do not resist their powerful artillery, so that we shall soon be exposed to an assault in ruined works, in a bad position, and with weakened numbers.

The safety of the place is therefore so precarious, that I cannot recommend that the fleet and army should run great risque in endeavouring to save us. I have the honour to be with great respect, Sir, &c.

(Signed)

CORNWALLIS.

His Excellency Sir Henry Clinton, K. B. Admiralty-Office, Nov. 27, 1781.

Captain Melcombe, of his Majesty's sloop the Rattlesnake, arrived at this office late on Sunday night from North-America, with dispatches from Rear-admiral Graves to Mr. Stephens, of which the following is an extract:

London, at Sea, Oct. 29, 1781.

In my last letter, by the Lively, Captain Manley, I desired you to acquaint the Lords Commissioners of

the Admiralty of my having passed the Bar of New York with the British fleet, with 7000 of the army embarked, to go to the relief of Earl Cornwallis at York, in the Chesapeake.

The fleet accordingly sailed the moment the troops were put on board, and proceeded the same day, (the 19th) for the Chesapeake.

The 24th, we received intelligence from a black man, who was pilot of his Majesty's ship Charon, a white man, who belonged to the Quarter Master General's department, and another black man, who had made their escape together from York, that Lord Cornwallis had capitulated on the 18th instant, the day before the fleet sailed from Sandy Hook.

The 26th, one of our boats brought off some people from the shore near Cape Charles, who gave the same report of the Capitulation.

The 25th, his Majesty's ship La Nymphe joined us from New York, and brought dispatches from Lord Cornwallis, dated the 15th, a copy of which is inclosed, and leaves little room to question the truth of the other intelligence. The three people being still on board, and questioned again, and known for what they reported themselves to be by several persons, helped still to corroborate: I therefore determined to detach the Rattlesnake for Europe to give the earliest information to their Lordships, that Government may be prepared to receive the particulars.

I should have been happy to have tried every possible means to effect a relief, could we have arrived in time; that prospect being at an end, I determined to leave this station, and return to New York.

N. B. The copy of Lord Cornwallis's letter above referred to, is the same as that printed in the foregoing dispatches from Sir Henry Clinton.

Versailles,

Versailles, Nov. 19. The Duke de Lauzun, and Captain Duplessi Pascau, arrived this day, charged to deliver to the King, the news of the naval engagement of the 5th of September; and to acquaint his Majesty, that the army under Lord Cornwallis, consisting of about 6000 men, that had retired and entrenched themselves in York Town, on York River, in Virginia, had capitulated the 19th of October last, and surrendered prisoners of war.

Journal of the Operations of the French Corps under the Command of Count de ROCHAMBEAU, Lieutenant-general of the King's Armies since the 25th of August last.

On the 14th of September, General Washington, myself, and the Chevalier de Chatelleux arrived at Williamsburgh, where we found the Marquis de la Fayette in conjunction with the Count de Saint Simon, who had taken an excellent position, waiting for us. Lord Cornwallis was employed in entrenching himself at York and Gloucester, barring the river of York with some of his ships, and others sunk in the Channel. It is computed that his corps of troops, regulars, and sailors from the disarmed ships, amounted to about five or six thousand men.

After all the most inquieting news we had received in the route, of the appearance of the enemy's fleet, the departure of that of Count de Grasse, of an engagement on the 5th of September, the appearance of two English frigates in the Bay, we at length received in the night of the 14th, by a letter from Count de Grasse, a circumstantial account of the following facts: Admiral Hood had joined on the twenty-eighth of August Admiral Graves's squadron before New York; they both sailed the thirty-first to Chesapeake Bay, at the instant our movement by land towards Philadelphia had been discovered. The English squadron, consisting of 20

ships, arrived the 5th at Cape Charles, intending to get the start of Count de Grasse; the latter having then 1500 men in his chaloups, which had debarked the troops of Count de St. Simon, and were not returned, without hesitation cut his cables, and went to engage the enemy with 24 ships, leaving the rest to blockade Lord Cornwallis in the rivers York and James; Admiral Graves bore to the windward, and the van-guard of Count de Grasse, under the orders of the Sieur de Bougainville, came up with the rear of the English, which was roughly handled. The Count de Grasse having pursued some time, returned on the 11th into the Bay, where he found the squadron of Count de Barras, which sailed the 25th of August from Newport, with ten transports, having on board our siege artillery, and entered the Bay on the 10th of September in good condition. The two English frigates being between the two squadrons, were taken.—Immediately the ten transports of the Count de Barras, the frigates, and the prizes of Count de Grasse, were detached to carry our troops to Annapolis, under the orders of the Sieur de Villebrune, Commander of the Romulus, who, with the Baron Vionemil, used such expedition, that they arrived on the 25th in Williamsburgh Creek, where they disembarked the army on the 26th and 27th.

On the 20th, the allied army marched from Williamsburgh at break of day for York Town, and the French corps of 7000 men began the investment from the Head of York River to the morais near Col. Nelson's house, taking advantage of the woods, creeks, &c. in such a manner as to block up the enemy within pistol-shot of their works; the three French brigades marked out the ground, and encamped securely from the enemy's cannon. The Bar-

ron de Viomenil, commanded the grenadiers and chasseurs of the army as the van-guard.

On the 29th, the American army passed the morafs, and the investment of York Town became complete, and was quite blocked up. The infantry of Lauzun being debarked on the 23d, marched under the Duke de Lauzun, to rejoin their cavalry, which had marched by land into Gloucester county, under Brigadier-general de Wieden, who commanded there a body of 1200 American militia. The whole legion was joined there on the 28th, the day of the investment of York Town. On the night between the 29th and 30th, the enemy fearing to be insulted in the confined position which they had fortified, abandoned all their posts.

We employed the 30th in lodging ourselves in the abandoned works, which enabled us to block up the enemy in a circle of very little extent, and gave us great advantage.

The same day the transports, with the artillery for the siege, came down to Trubello Landing, seven miles from hence, when we set about disembarking it.

On the 3d of October the Sieur de Choisy marched to block up Gloucester, and take a position at three miles distance from that place.

The corps of the Sieur de Choisy was composed of the legion of Lauzun, of his infantry drafted from the ships, and of 1200 American militia under Brigadier-general Wieden. Tarleton was with 600 men in this post, 100 of which were horse, and two hundred infantry. The Duke de Lauzun attacked him so vigorously, that he threw them into disorder, wounded Tarleton, and forced the detachment to return to Gloucester, with the loss of fifty men. The Sieur Billy, Dillon, and Datie, 2d Captain, were wounded, three Hussars were killed, and eleven wounded.

The entrenchments were opened in two attacks, above and below York River, in the night between the 6th and 7th of October, and different engagements took place till the 17th, the enemy began to come to a parley. The capitulation was signed on the 19th, in the morning, by which Lord Cornwallis and his whole army were made prisoners of war. The American and French troops took possession of the redoubts at noon.

The garrison at York-town filed off, at two o'clock, by beat of drum, with their arms, which were then piled up, with twenty pair of colours. The same took place at Gloucester. The companies of grenadiers at Bourbonnois, and the Americans are in the redoubts, and the enemy's troops will evacuate it tomorrow, and be conducted to the interior part of the country. The Viscount de Noailles, and Colonel Laurens, have drawn up the articles of capitulation in conjunction with two superior officers of Lord Cornwallis's army.

It is supposed there are about six or seven thousand prisoners, and one hundred and seventy pieces of cannon taken.

From the LONDON GAZETTE.

Whitehall, Dec. 18, 1781.

Extract of a letter from Sir HENRY CLINTON, to the Right Honourable Lord GEORGE GERMAIN, one of his Majesty's Principal Secretaries of State, received on the 16th instant, by Lord DALRYMPLE, who arrived in the Swallow packet, which left New-York the 17th of Nov.

New-York, Nov. 15th, 1781.

MY LORD,

In my last dispatch I had the honour to acquaint your Lordship with my fears respecting the fate of the army in Virginia.

It now gives me the deepest concern to inform you, that they were but

but too well founded, as your Lordship will perceive by Lord Cornwallis's letter to me of the 20th ult. a copy of which, and the papers accompanying it, being inclosed for your information.

Had it been possible for the fleet to have sailed from hence at the time it was first imagined they would have been able to do, I have not the least doubt that Lord Cornwallis would have been relieved by the joint exertions of the navy and army, and I therefore cannot sufficiently lament that they could not have been made sooner.

Your Lordship will be informed by Lord Cornwallis's letter to me, (a copy of which accompanies this dispatch) of the force that was opposed to his Lordship in Virginia; besides which, by rebel accounts, which I have the honour to inclose for your Lordship's information, Gen. Green seems still to have an army acting in that quarter; and there are, at this instant, above three thousand Continental troops at West Point and in its vicinity.

My dispatches will be delivered to your Lordship by Lord Dalrymple; and I cannot part with his Lordship, without testifying to you the high opinion I have of his merit, and my entire approbation of his conduct, since he has been on this service, acting as one of my Aides-de-Camp, having always shewn the greatest attention to me, and highly distinguished his spirit, by attending as a volunteer upon every expedition and excursion which has taken place since his being here.

Copy of a letter from Lieutenant-general Earl Cornwallis, to Sir Henry Clinton, dated York-Town, in Virginia, October 20, 1781.

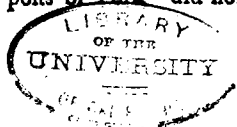
SIR,

I have the mortification to inform your Excellency, that I have been forced to give up the posts of York

and Gloucester, and to surrender the troops under my command, by capitulation, on the 19th instant, as prisoners of war, to the combined forces of America and France.

I never saw this post in a very favourable light; but when I found I was to be attacked in it, in so unprepared a state, by so powerful an army and artillery, nothing but the hopes of relief would have induced me to attempt its defence; for I would either have endeavoured to escape to New-York, by rapid marches, from the Gloucester side, immediately on the arrival of General Washington's troops at Williamburgh, or I would, notwithstanding the disparity of numbers, have attacked them in the open field, where it might have been just possible that fortune would have favoured the gallantry of the handful of troops under my command: but being assured by your Excellency's letters, that every possible means would be tried by the navy and army to relieve us, I could not think myself at liberty to venture on either of those desperate attempts: therefore, after remaining two days in a strong position in front of this place, in hopes of being attacked, upon observing that the enemy were taking measures which could not fail of turning my left flank in a short time; and receiving, on the second evening, your letter of the 24th of September, informing me, that the relief would sail about the 5th of October, I withdrew within the works on the night of the 29th of September, hoping, by the labour and firmness of the soldiers, to protract the defence until you could arrive.

Every thing was to be expected from the spirit of the troops, but every disadvantage attended their labour, as the works were to be continued under the enemy's fire, and our stock of intrenching tools, which did not much exceed four hundred, when



when we began to work in the latter end of August, was now much diminished.

The enemy broke ground on the night of the 30th, and constructed, on that night and the two following days and nights, two redoubts, which, with some works that had belonged to our outward position, occupied a gorge between two creeks or ravines, which come from the river on each side of the town. On the night of the 6th of October they made their first parallel, extending from its right on the river to a deep ravine on the left, nearly opposite to the center of this place, and embracing our whole left, at the distance of six hundred yards. Having perfected this parallel, their batteries opened on the evening of the 9th against our left; and other batteries fired at the same time against a redoubt advanced over the creek upon our right, and defended by about one hundred and twenty men of the 23d regiment and marines, who maintained that post with uncommon gallantry. The fire continued incessantly from heavy cannon, and from mortars and howitzers, throwing shells from eight to sixteen inches, until all our guns on the left were silenced, our works much damaged, and the loss of men considerable. On the night of the 11th they began their second parallel, about three hundred yards nearer to us.

The troops being much weakened by sickness, as well as by the fire of the besiegers, and observing that the enemy had not only secured their flanks, but proceeded in every respect with the utmost regularity and caution, I could not venture so large sorties as to hope from them any considerable effect; but otherwise I did every thing in my power to interrupt this work, by opening new embrasures for guns, and keeping up a constant fire with all the howitzers and small mortars that we

could man. On the evening of the 14th, they assaulted and carried two redoubts that had been advanced about three hundred yards, for the purpose of delaying their approaches, and covering our left flank, and during the night, included them in their second parallel, on which they continued to work with the utmost exertion. Being perfectly sensible that our works could not stand many hours after the opening of the batteries of that parallel, we not only continued a constant fire with all our mortars, and every gun that could be brought to bear upon it, but a little before day-break, on the morning of the 16th, I ordered a sortie of about three hundred and fifty men, under the direction of Lieutenant-colonel Abercromby, to attack two batteries, which appeared to be in the greatest forwardness, and to spike the guns. A detachment of Guards with the 80th company of grenadiers, under the command of Lieutenant-colonel Lake, attacked the one; and one of Light Infantry, under the command of Major Armstrong, attacked the other; and both succeeded, by forcing the redoubts that covered them, spiking eleven guns, and killing or wounding about one hundred of the French troops, who had the guard of that part of the trenches, and with little loss on our side. This action, though extremely honourable to the officers and soldiers who executed it, proved of little public advantage; for the cannon having been spiked in a hurry, were soon rendered fit for service again, and before dark the whole parallel and batteries appeared to be nearly complete. At this time we knew that there was no part of the whole front attacked, in which we could shew a single gun, and our shells were nearly expended. I had therefore only to chuse between preparing to surrender next day, or endeavouring to get off with the greatest part

part of the troops ; and I determined to attempt the latter, reflecting, that though it should prove unsuccessful in its immediate object, it might at least delay the enemy in the prosecution of further enterprises. Sixteen large boats were prepared, and upon other pretexts were ordered to be in readiness to receive troops precisely at ten o'clock; with these I hoped to pass the Infantry during the night, abandoning our baggage, and leaving a detachment to capitulate for the town's people, and for the sick and wounded; on which subject a letter was ready to be delivered to General Washington. After making my arrangements with the utmost secrecy, the Light Infantry, greatest part of the Guards, and part of the 23d regiment, embarked at the hour appointed, and most of them landed at Gloucester ; but at this critical moment the weather, from being moderate and calm, changed to a most violent storm of wind and rain, and drove all the boats, some of which had troops on board, down the river. It was soon evident that the intended passage was impracticable, and the absence of the boats rendered it equally impossible to bring back the troops that had passed, which I had ordered about two o'clock in the morning. In this situation, with my little force divided, the enemy's batteries opened at day-break. The passage between this place and Gloucester was much exposed ; but the boats having now returned, they were ordered to bring back the troops that had passed during the night, and they joined us in the forenoon without much loss. Our works in the mean time were going to ruin ; and not having been able to strengthen them by abatis, nor in any other manner than by a slight fraizing, which the enemy's artillery were demolishing wherever

they fired, my opinion entirely coincided with that of the engineer and principal officers of the army, that they were in many parts very assailable in the forenoon, and that by the continuance of the same fire for a few hours longer, they would be in such a state as to render it desperate with our numbers to attempt to maintain them. We at that time could not fire a single gun, only one eight-inch, and little more than one hundred cohorn shells remained ; a diversion by the French ships of war, that lay at the mouth of York-river, was to be expected ; our numbers had been diminished by the enemy's fire ; but particularly by sickness ; and the strength and spirits of those in the works were much exhausted by the fatigue of constant watching and unremitting duty. Under all these circumstances, I thought it would have been wanton and inhuman to the last degree to sacrifice the lives of this small body of gallant soldiers, who had ever behaved with so much fidelity and courage, by exposing them to an assault, which, from the numbers and precautions of the enemy, could not fail to succeed, I therefore proposed to capitulate ; and I have the honour to inclose to your Excellency the copy of the correspondence between General Washington and me on that subject, and the terms of capitulation agreed upon. I sincerely lament that better could not be obtained ; but I have neglected nothing to alleviate the misfortunes and distresses of both officers and soldiers. The men are well clothed and provided with necessaries, and I trust will be regularly supplied, by the means of the officers that are permitted to remain with them. The treatment in general, that we have received from the enemy, since our surrender, has been perfectly good and proper ; but the kindness and attention that has been
shewn

shewn to us by the French officers in particular, their delicate sensibility of our situation, their generous and pressing offers of money, both public and private, to any amount, has really gone beyond what I can possibly describe, and will, I hope, make an impression on the breast of every British officer, whenever the fortune of war should put any of them into our power.

Although the event has been so unfortunate, the patience of the soldiers in bearing the greatest fatigues, and their firmness and intrepidity under a persevering fire of shot and shells, that I believe has not often been exceeded, deserved the highest commendation and praise.

A successful defence, however, in our situation was perhaps impossible, for the place could only be reckoned an intrenched camp, subject in most places to enfilade, and the ground in general so disadvantageous, that nothing but the necessity of fortifying it as a post to protect the navy could have induced any person to erect works upon it; our force diminished daily by sickness, and other losses, and was reduced when we offered to capitulate, on this side, to little more than three thousand two hundred rank and file fit for duty, including officers, servants and artificers; and at Gloucester about six hundred, including cavalry. The enemy's army consisted of upwards of eight thousand French, nearly as many Continentals, and five thousand Militia. They brought an immense train of heavy artillery, most amply furnished with ammunition, and perfectly well manned. The constant and universal cheerfulness and spirit of the officers, in all hardships and danger, deserve my warmest acknowledgments; and I have been particularly indebted to Brigadier-general O'Hara, and to Lieutenant-colonel Abercromby, the former commanding on the right, and the latter on

the left, for their attention and exertion on every occasion. The detachment of the 23d regiment and marines in the redoubt on the right, commanded by Captain Apthorpe, and the subsequent detachments commanded by Lieutenant-colonel Johnson, deserves particular commendation. Captain Rochfort who commanded the artillery, and indeed every officer and soldier of that distinguished corps, and Lieutenant Sutherland the commanding Engineer, have merited in every respect my highest approbation; and I cannot sufficiently acknowledge my obligations to Captain Symonds, who commanded his Majesty's ships, and to the other officers and seamen of the navy, for their zealous and active co-operation.

I transmit returns of our killed and wounded; the loss of seamen and town's people was likewise considerable.

I trust that your Excellency will please to hasten the return of the Bonetta after landing her passengers, in compliance with the article of capitulation.

Lieutenant-colonel Abercromby will have the honour to deliver this dispatch, and is well qualified to explain to your Excellency every particular relating to our past and present situation.

I have the honour to be, &c.
(Signed) CORNWALLIS.

Copy of a letter from Lieutenant-general Earl CORNWALLIS, to General WASHINGTON, dated York, in Virginia, October 17, 1781.

SIR,

I propose a cessation of hostilities for twenty-four hours; and that two officers may be appointed by each side, to meet at Mr. Moore's house, to settle terms for the surrender of the posts of York and Gloucester.

I have the honour to be, &c.
(Signed) CORNWALLIS.

Copy

Copy of a letter from General WASHINGTON to Lieutenant-general Earl CORNWALLIS, dated Camp before York, O^r. 18, 1781.

MY LORD,

I have had the honour of receiving your Lordship's letter of this date.

An ardent desire to spare the further effusion of blood will readily incline me to listen to such terms for the surrender of your posts, as are admissible.

I wish, previous to the meeting of Commissioners, that your Lordship's proposals, in writing, may be sent to the American lines; for which purpose a suspension of hostilities during two hours from the delivery of this letter, will be granted.

I have the honour to be, &c.

(Signed) GEO. WASHINGTON.

Copy of a letter from Earl CORNWALLIS to General WASHINGTON, dated York in Virginia, O^r. 17, 1781. Half past four, P. M.

SIR,

I have this moment been honoured with your Excellency's letter dated this day. The time limited for sending my answer will not admit of entering into the detail of articles; but the basis of my proposals will be, that the garrisons of York and Gloucester shall be prisoners of war with the customary honours; and for the convenience of the individuals which I have the honour to command, that the British shall be sent to Britain, and the Germans to Germany, under engagement not to serve against France, America, or their allies, until released, or regularly exchanged; that all arms and public stores shall be delivered up to you; but that the usual indulgence of side-arms to Officers, and of retaining private property, shall be granted to Officers and soldiers; and that the interests of several individuals in civil capacities, and connected with us, shall be attended to.

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If your Excellency thinks that a continuance of the suspension of hostilities will be necessary to transmit your answer, I shall have no objection to the hour that you may propose.

I have the honour to be, Sir, your most obedient and most humble servant,

(Signed) CORNWALLIS.

Copy of a letter from General WASHINGTON to Lieutenant-general Earl CORNWALLIS, dated Camp before York, O^r. 18, 1781.

MY LORD,

To avoid unnecessary discussions and delays, I shall at once, in answer to your Lordship's letter of yesterday, declare the general basis upon which a definitive treaty of capitulation may take place.

The garrisons of York and Gloucester, including the seamen as you propose, shall be received prisoners of war. The condition annexed of sending the British and German troops to the parts of Europe to which they respectively belong, is inadmissible; instead of this, they will be marched to such parts of the country as can most conveniently provide for their subsistence; and the benevolent treatment of prisoners, which is invariably observed by the Americans, will be extended to them. The same honours will be granted to the surrendering army, as were granted to the garrison of Charlestown.

The shipping and boats in the two harbours, with all their guns, stores, tackling, furniture and apparel, shall be delivered in their present state to an Officer of the navy appointed to take possession of them.

The artillery, arms, accoutrements, military chest, and public stores of every denomination, shall be delivered unimpaired, to the heads of departments to which they respectively belong.

The Officers shall be indulged in retaining

G

retaining their side-arms; and the Officers and soldiers may preserve their baggage and effects; with this reserve, that property taken in the country will be reclaimed.

With regard to the individuals in civil capacities, whose interests your Lordship wishes may be attended to, until they are more particularly described, nothing definitive can be settled.

I have to add, that I expect the sick and wounded will be supplied with their own hospital stores, and be attended by British surgeons, particularly charged with the care of them.

Your Lordship will be pleased to signify your determination either to accept or reject the proposals now offered, in the course of two hours from the delivery of this letter, that Commissioners may be appointed to digest the articles of capitulation, or a renewal of hostilities may take place.

I have the honour to be, &c.

(Signed) GEO. WASHINGTON.

Copy of a letter from Lieutenant-general Earl CORNWALLIS to General WASHINGTON, dated York in Virginia, Oct. 18, 1781.

SIR,

I agree to open a Treaty of Capitulation upon the basis of the garrisons of York and Gloucester, including seamen, being prisoners of war, without annexing the condition of their being sent to Europe; but I expect to receive a compensation in arranging the articles of the capitulation for the surrender of Gloucester in its present state of defence. I shall in particular desire, that the Bonetta sloop of war may be left entirely at my disposal from the hour that the capitulation is signed to receive an Aid de Camp to carry my dispatches to Sir Henry Clinton, such soldiers as I may think proper to send passengers in her, to be manned with 50 men of her own crew,

and to be permitted to sail without examination, when my dispatches are ready, engaging on my part, that the ship shall be brought back and delivered to you, if she escapes the dangers of the sea; that the crew and soldiers shall be accounted for in future exchanges; that she shall carry off no officer without your consent, nor public property of any kind; and I shall likewise desire, that the traders and inhabitants may preserve their property, and that no person may be punished or molested for having joined the British troops.

If you chuse to proceed to negotiation on these grounds, I shall appoint two Field Officers of my army to meet two officers from you, at any time and place that you think proper, to digest the articles of capitulation.

I have the honour to be, &c.

(Signed) CORNWALLIS.

ARTICLES of CAPITULATION settled between his Excellency General WASHINGTON, Commander in Chief of the Combined Forces of America and France; his Excellency the Count de ROCHAMBEAU, Lieutenant-general of the Armies of the King of France, Great Cross of the Royal and Military Order of St. Louis, commanding the auxiliary Troops of his Most Christian Majesty in America; and his Excellency the Count de GRASSE, Lieutenant-general of the Naval Armies of his Most Christian Majesty, Commander of the Order of St. Louis, commanding in Chief the Naval Army of France in the Chesapeake, on the one part: And the Right Honourable Earl CORNWALLIS, Lieutenant-general of his Britannic Majesty's Forces, commanding the garrisons of York and Gloucester; and THOMAS SYMONDS, Esq. commanding his Britannic Majesty's Naval Forces in York River in Virginia, on the other part.

Article I. The garrisons of York and

and Gloucester, including the officers and seamen of his Britannic Majesty's ships, as well as other mariners, to surrender themselves prisoners of war to the combined forces of America and France; the land troops to remain prisoners to the United States, the navy to the naval army of his Most Christian Majesty.

Art. I. Granted.

Art. II. The artillery, arms, accoutrements, military chest, and public stores of every denomination, shall be delivered, unimpaired, to the heads of departments appointed to receive them.

Art. II. Granted.

Art. III. At twelve o'clock this day the two redoubts on the left flank of York to be delivered, the one to a detachment of American Infantry; the other to a detachment of French grenadiers. The garrison of York will march out to a place to be appointed, in front of the posts, at two o'clock precisely, with shouldered arms, colours cased, and drums beating a British or German march; they are then to ground their arms, and return to their encampment, where they will remain, until they are dispatched to the places of their destination. Two works on the Gloucester side will be delivered at one o'clock to detachments of French and American troops appointed to possess them; the garrison will march out at three o'clock in the afternoon; the cavalry with their swords drawn, trumpets sounding; and the infantry in the manner prescribed for the garrison of York: They are likewise to return to their encampment, until they can be finally marched off.

Art. III. Granted.

Art. IV. Officers to retain their side-arms: Both officers and soldiers to keep their private property of every kind; and no part of their baggage or papers to be at any time subject to search or inspection; the baggage

and papers of officers and soldiers, taken during the siege, to be likewise preserved for them. It is understood, that any property obviously belonging to the inhabitants of these States, in the possession of the garrison, shall be subject to be reclaimed.

Art. IV. Granted.

Art. V. The soldiers to be kept in Virginia, Maryland, or Pennsylvania, and as much by regiments as possible, and supplied with the same rations of provisions as are allowed to soldiers in the service of America; a field officer from each nation, to wit, British, Anspach, and Hessian, and other officers on parole, in the proportion of one to fifty men, to be allowed to reside near their respective regiments, to visit them frequently, and to be witnesses of their treatment; and that these officers may receive and deliver cloathing and other necessaries; for which passports are to be granted when applied for.

Art. V. Granted.

Art. VI. The General, Staff, and other Officers not employed as mentioned in the above article, and who chuse it, to be permitted to go on parole to Europe, to New York, or to any other American maritime posts, at present in the possession of the British forces, at their own option, and proper vessels to be granted by the Count de Grasse to carry them under flags of truce to New York, within ten days from this date, if possible; and they to reside in a district, to be agreed upon hereafter, until they embark. The officers of the civil departments of the army and navy to be included in this article; passports to go by land to be granted to those to whom vessels cannot be furnished.

Art. VI. Granted.

Art. VII. Officers to be allowed to keep soldiers as servants, according to the common practice of the service.

service. Servants, not soldiers, are not to be considered as prisoners; and are to be allowed to attend their masters.

Art. VII. Granted.

Art. VIII. The Bonetta sloop of war, to be equipped and navigated by its present Captain and crew, and left entirely at the disposal of Lord Cornwallis from the hour that the capitulation is signed, to receive an Aid de Camp to carry dispatches to Sir Henry Clinton, and such soldiers as he may think proper to be permitted to sail without examination when his dispatches are ready; his Lordship engaging on his part, that the ship shall be delivered to the order of the Count de Grasse, if she escapes the dangers of the seas; that she shall not carry off any public stores. Any part of the crew that may be deficient on her return, and the soldiers passengers, to be accounted for on her delivery.

Art. VIII. Granted.

Art. IX. The traders are to preserve their property, and to be allowed three months to dispose of or remove them; and those traders are not to be considered as prisoners of war.

Art. IX. The traders will be allowed to dispose of their effects, the allied army having the right of pre-emption. The traders to be considered as prisoners of war on parole.

Art. X. Natives or inhabitants of different parts of this country, at present in York or Gloucester, are not to be punished on account of having joined the British army.

Art. X. This article cannot be assented to, being altogether of civil resort.

Art. XI. Proper hospitals to be furnished for the sick and wounded; they are to be attended by their own surgeons on parole; and they are to be furnished with medicines and stores from the American hospitals.

Art. XI. The hospital stores now in York and Gloucester shall be de-

livered for the use of the British sick and wounded; passports will be granted for procuring them further supplies from New York, as occasion may require; and proper hospitals will be furnished for the reception of the sick and wounded of the two divisions.

Art. XII. Waggon to be furnished to carry the baggage of the officers attending the soldiers, and to surgeons, when travelling, on account of the sick, attending the hospitals, at public expense.

Art. XII. They will be furnished if possible.

Art. XIII. The shipping and boats in the two harbours, with all their stores, guns, tackling and apparel, shall be delivered up in their present state to an officer of the navy appointed to take possession of them, previously unloading the private property, part of which had been on board for security during the siege.

Art. XIII. Granted.

Art. XIV. No article of the capitulation to be infringed on pretext of reprisal; and if there be any doubtful expressions in it, they are to be interpreted according to the common meaning and acceptations of the words.

Art. XIV. Granted.

Done in the trenches before York,
October 19, 1781.

(Signed)

G. WASHINGTON.

Le Cte. de ROCHAMBEAU.

Le Cte. de BARRAS, en n'om,
nom, et celui du Cte. de
GRASSE.

CORNWALLIS.

THO. SYMONDS.

Return of the Killed, Wounded, and Missing of the following corps, from the 28th of September to the 19th of October, 1781.

Royal Artillery. 24 Rank and file killed; 21 ditto wounded; 2 ditto missing.

Guards.

Guards. 1 Serjeant, 3 rank and file killed; 1 serjeant, 21 rank and file, wounded.

Light Infantry. 1 Lieutenant, 3 serjeants, 24 rank and file, killed; 3 lieutenants, 2 serjeants, 1 drummer, 51 rank and file, wounded.

17th regiment. 1 Drummer killed; 1 serjeant, 6 rank and file, wounded.

23d regiment. 2 Lieutenants, 1 serjeant, 8 rank and file, killed; 3 serjeants, 2 drummers, 15 rank and file, wounded.

33d regiment. 1 Captain, 7 rank and file, killed; 1 lieutenant, 1 serjeant, 10 rank and file, wounded; 1 subaltern, 7 rank and file, missing.

43d regiment. 1 Serjeant, 9 rank and file, killed; 1 serjeant, 1 drummer, 16 rank and file, wounded; 1 captain, 11 rank and file, missing.

71st regiment. 1 Lieutenant, 9 rank and file, killed; 3 drummers, 19 rank and file, wounded; 1 major, 10 rank and file, missing.

76th regiment. 1 Drummer, 5 rank and file, killed; 1 lieutenant, 4 rank and file, wounded.

80th regiment. 1 Rank and file, killed; 11 ditto, wounded; 1 captain, 9 rank and file, missing.

Two Battalions Anspach. 1 Serjeant, 11 rank and file, killed; 4 serjeants, 30 rank and file, wounded.

Prince Heriditaire. 2 Serjeants, 2 drummers, 19 rank and file, killed; 7 serjeants, 1 drummer, 49 rank and file, wounded; 2 serjeants, 14 rank and file, missing.

Regiment de Bose. 1 Captain, 4 serjeants, 13 rank and file, killed; 1 ensign, 4 serjeants, 3 drummers, 32 rank and file, wounded; 1 serjeant, 10 rank and file, missing.

Total. 2 Captains, 4 lieutenants, 13 serjeants, 4 drummers, 133 rank and file, killed.—5 lieutenants, 1 ensign, 24 serjeants, 11

drummers, 285 rank and file, wounded.—1 Major, 2 captains, 1 subaltern, 3 serjeants, 63 rank and file, missing.

Rank and names of Officers in the above return.

Hon. Major Cochrane, acting aid de camp to Lord Cornwallis, killed.

Light Infantry. Lieuts Campbell, 74th company, killed. Lieut. Lyfter, 63 ditto, wounded, since dead. Lieut. Dunn, 63d ditto, wounded, since dead. Lieutenant Lightburne, 37th ditto, wounded.

23d regiment. Lieuts. Mair and Guyon, killed.

33d regiment. Captain Kerr, killed; Lieut. Curson, wounded.

71st regiment. Lieutenant Fraser, killed.

76th regiment. Lieut. Robertson, wounded.

Captain Rall, killed. Ensign Sprangenberg, wounded. Commissary Perkins, killed.

(Signed) J. DESPARD,
Dep. Adj. Gen.

Admiralty-Office, Dec. 18, 1781.

The following extracts of letters from Rear-admiral Graves, and Rear-admiral Digby to Mr. Stephens, were brought to this office on Sunday last by Lord Dalrymple, who left Sandy Hook in the Swallow packet the 17th of last month:

Extract of a letter from Rear-admiral GRAVES to Mr. STEPHENS, dated off Sandy Hook the 9th of November, 1781.

My last letter by his Majesty's sloop the Rattlesnake, Captain Melcombe, acquainted the Lords Commissioners of the Admiralty with the fate of the post at York Town, in York River, Chesapeake.

The enemy's fleet which possessed the entrance of York River from the Horse-shoe Sand to York Spit, shewing no intention to come out and risque the execution of their future schemes upon the event of a naval action, I proceeded without loss of time

time back to the bar of New York, where his Majesty's fleet anchored the 2d instant, in the evening, and the troops were removed the next morning into the transports, to proceed up the harbour according to Sir Henry Clinton's wishes.

Captain Dundas being arrived in the Bonetta sloop, according to the 8th article of the capitulation, with several officers and most of the American refugees, also the Captains Hudson and Dawson, with most of their officers, and some men.

I am glad to have it in my power to enclose to their Lordships Captain Stirling's letter, upon his being taken in the Savage sloop of war off Charles-town, which came to my hands since the return of the fleet to this place. The battle was so well sustained, and the action so spirited and gallant, that it has gained him universal credit; and it adds to my pleasure to pay this tribute to his merit, and to have it in my power to recommend him, as very deserving their Lordships particular favour.

I hope to sail this day for the West Indies, having resigned the command to Rear-admiral Digby.

Journal of the operations of the fleet under Comte de GRASSE, abridged from the Gazette de France of the 26th of November.

Comte de Grasse, after a very short passage from Brest, arrived the 29th of April off Martinico, whence he drove off 18 English ships of the line, which had blockaded that place for the space of 50 days. As they had the advantage both of wind and swiftness, the Comte was obliged to drop the chase, and enter Fort Royal. A feint attack was made upon Saint Lucia, when the real intention was to take Tobago, which Colony was reduced, in the very sight even of Rodney himself, who, with 22 ships against 24, was pleased to stand an unconcerned spectator, keeping at an

awful distance, and constantly refusing coming to action, which the French offered him, with a good grace. The 5th of August, the fleet weighed anchor from St. Domingo, and on the 30th arrived in the Bay of Chesapeake. The dispatches of Generals Washington and Rochambeau, received by Comte de Grasse, informed him of the situation of their army, and the success which the British arms had obtained in Virginia and Maryland. The frigate Concorde, by which this intelligence had been conveyed, was sent back to acquaint the above Generals, that the French fleet was arrived off Cape Henry. Here the Comte took up 3,300 men, under the command of Marquis St. Simon, and distributed them on board the 28 ships of war which composed his fleet.—Comte Barras informed of the disposition, and thinking that his union with the Comte de Grasse would be of the greatest service, cheerfully renounced the superior command which he had in the Northern parts, and sailed for the Chesapeake. The Glorieux, the Aigrette, and the Diligente, sailed before the fleet, and took the advice-boat Loyalist. The Glorieux dropped anchor at the mouth of the river York, and next day being reinforced by the Vaillant and the Triton, the river James was also shut up, and every means taken to prevent the retreat of Lord Cornwallis to Carolina. Marquis Saint Simon, with his 3,300 men, arrived at the head of the river James, on the 2d of September, the Marquis de la Fayette, on the 3d, with a body of troops under his command; and on the 4th they proceeded to Williamsburgh, five leagues from York. The fleet, moored at Lynnhaven, was waiting for intelligence concerning the march of General Washington; as also the return of their boats and sloops, when on the 5th, the enemy's fleet was descried bearing

bearing down to the Chesapeake with crowded sails. Comte de Grasse instantly dispatched orders to recal the rowing boats, which were taking in water, and directed the fleet to be in readiness for weighing, which was effected by noon, when they formed themselves in a line.

Notwithstanding the absence of 1800 men, and 95 officers employed in landing the troops, in less than three quarters of an hour, the whole line was formed in the following order : Pluto, Bourgogne, Marseillois, Diademe, Réfléchi, Auguste, Saint Esprit, Caton, Cæsar, Destin, Ville-de Paris, Victoire, Sceptre, Northumberland, Palmier, Solitaire, Citoyen, Scipion, Magnanime, Hercule, Languedoc, Zélé, Hector, and So-verain.—The enemy had kept the wind, forming themselves in a line upon the starboard tack. At two o'clock, they tacked all together on the same tacks with us, without being, nevertheless, drawn out in parallel lines; the rear of Admiral Graves being infinitely to the windward of his van; the headmost ships of the French fleet, were by the current, too far to windward to keep in a regular line. At four o'clock, the action began at the van, commanded by Sieur de Bougainville, with a very brisk fire, and successively, all the ships of the main body came in for their share. At five, the wind having continued in its variation, the French van still remained too far to windward; that of Admiral Graves was very ill treated, and this officer improved the advantage of the wind, to keep at a distance, and avoid being attacked by the French rear. The setting of the sun terminated this combat.—The seventh at noon, the wind shifted favourably for the French fleet. Comte de Grasse drew near to the enemy, and manœuvred during the evening, in order to keep the wind in the night. The eighth, at the dawn, Admiral Graves improved a

favourable gale, in an endeavour to gain the wind of the French. In the evening of the ninth, Comte de Grasse, by a skilful manœuvre had the great advantage of being able to crowd more sail, his ships having suffered much less than those of the English Squadron; but in the night the enemy disappeared. Comte de Grasse seeing the difficulty there was of forcing Admiral Graves to an action, and fearing, left by means of some favourable wind, the enemy should get before him to the Chesapeake, returned thither to continue his operations.—The eleventh, the two frigates, Richmond and Iris, which sailed the evening before from the bay, where they had been to cut off the buoys of the fleet of Comte de Grasse, fell into his hands.

The French fleet in the affair of the 5th, consisted of 24 ships of war and two frigates. Admiral Graves, reinforced by Hood, had 20 sail of the line, two of them three deckers, and nine frigates and advice boats; according to their own account, five of their principal ships were considerably damaged, and especially the Terrible, of 74 guns, the sixth ship of their line, which they set on fire on the 9th at night, as it was impossible to keep her above water. The 15 ships first above-mentioned, in the French line, were all that were engaged and opposed to the same number of the enemy's ships; five of the English rear having refused to come within reach. The French fleet on this occasion lost Capt. Boades, of the Réfléchi; Lieut. Dupe D'Orvault Major, of the blue squadron, Rhaal, a Swede, and Midshipman on board the Caton de la Villeon, auxiliary officer on board the Diademe; 180 wounded; in all, killed and wounded, 200.

Meanwhile the combined armies of America and France had reached the mouth of Elk river, the van guard under the command of Comte de

de Cusine, who had embarked on board country vessels, arrived at Williamsburgh the 19th, the rest of the army, commanded by Baron de Vismenil, having marched as far as Baltimore, took shipping there, on board frigates and transports sent by Comte de Grasse. On the 24th, they all met at Williamsburg, where Generals Washington and Rochambeau had arrived on the 13th by land, having only two Aids de Camp in their train. On the 18th the Generals went on board the *Ville-de-Paris*, in order to consult with Comte de Grasse on the best methods to be pursued. The French Admiral left Lyn-haven, where the ships could not be safe, and went to that which is above Milbank ground and Horseshoe, where they dropped anchor in a line in order to prevent Admiral Graves, now reinforced by the arrival of Admiral Digby, from giving any assistance to Lord Cornwallis. Three ships were also appointed to shut up the entrance of James river. On the 30th 800 men from the marines were sent as a reinforcement to the *Sieur de Choisy*, who then blockaded Gloucester, with the Duke of Lauzun's legion, and 2000 Americans. York Town was invested on the 29th, and the trench on the 7th of Oct. P. M. On the 17th, Lord Cornwallis desired a suspension of hostilities for 24 hours. [General Burgoyne had signed four years ago on the same day, the convention of Saratoga.] Two hours were granted him, and then he made overtures for capitulation. A whole day was taken up in debating about the articles, which at length were concluded, and signed the 19th.

In the posts of York and Gloucester were found 6000 regulars, English and Hessians; 11 pair of colours; 1500 seamen; 106 guns of different bores, 75 of which were brass ordnance; eight mortars;

about 40 ships, one of them of 50 guns, which was burnt; besides 20 sail of transports, which were sunk, and amongst them the frigate *Gualaloupe*.

Copy of Captain STIRLING's letter referred to in page 46.

Lancaster, September 23, 1781.

SIR,

It is with the most poignant grief I acquaint your Excellency of the capture of his Majesty's sloop *Savage*, late under my command, the particulars of which I have the honour to transmit. Early in the morning of the 6th instant, 10 leagues East of Charles-town, we espied a ship bearing down on us, who, when about four miles distant, hauled her wind to the Eastward, shewing, by her appearance she was an American cruizer; her force could not be so easily distinguished: I therefore gave way to the pleasing idea that she was a privateer, carrying 20 nine-pounders, whom I had intelligence was cruising off here, and instantly resolved either to bring her to action, or oblige her to quit the coast; for which purpose we gave chase, but were prevented continuing it long, by her edging down, seemingly determined to engage us. Conscious of her superiority in sailing and force, this manœuvre coinciding with my wishes, I caused the *Savage* to lay by, till we perceived, on her nearer approach, she was far superior to what we imagined, and that it was necessary to attempt making our escape, without some fortunate shot, in the course of a running fight we saw inevitable, admitted our taking advantages, and bring on a more equal conflict. At half past ten she began firing bow chacers, and at eleven, being close on our quarter, the action commenced with musquetry, which after a good deal of execution, was followed by a heavy cannonade

cannonade on both sides. In an hour's time I had the mortification to see our braces and bowlines shot away, and not a rope left to trim the sail with, notwithstanding every precaution had been taken; however our fire was so constant and well-directed, that the enemy did not see our situation, but kept alongside of us, till accident obliged him to drop astern. The *Savage* was now almost a wreck; her sails, rigging, and yard, so much cut, that it was with the utmost difficulty we could alter our position time enough to avoid being raked, the enemy lying directly athwart our stern for some minutes. This was the only intermission of great guns, but musquetry and pistols still did execution, and continued till they opened again, which was not till both ships were almost on board each other, when the battle became more furious than before. Our quarter-deck and fore-castle were soon now nearly cleared, scarce a man belonging to either not being killed or wounded, with three guns on our main-deck rendered useless. In this situation we fought near an hour, with only five six-pounders, the fire from each ship's guns scorching the men who opposed them, shot and other implements of war thrown by hand doing execution; when our mizen-mast being shot away by the board; our main-mast tottering, with only three shrouds standing; the ship on fire dangerously; only 40 men on duty to oppose the foe, who was attempting to board us in three places; no succour in sight, or possibility of making further resistance, I was necessitated, at a quarter before three, P. M. to surrender to the Congress, a private ship of war, belonging to Philadelphia, who carried 215 men, and mounted 20 twelve pounders on her main-deck, and 4 sixes above, fourteen of which were fought on one side. She lost

during the action eleven men, and had near thirty wounded, several of them mortally; her masts, her sails, and rigging, were so much damaged, that she was obliged to return to port, which partly answered my wishes prior to the action, as a great part of the Carolina trade was daily expected on the coast, and this privateer we saw sailed remarkably fast. Three days were employed putting her in a condition to make sail, and five for the *Savage*, who was exceedingly shattered. Indeed it is astonishing more damage was not done, as the weather was fine, the water remarkably smooth, and the ships never 30 yards asunder.

The courage, intrepidity, and good behaviour of the officers and ship's company I had the honour to command, deserve the highest commendations, and my warmest thanks.

Lieutenant Shields distinguished himself by his gallantry, activity, and attention; as did Mr. Gyam, the gunner. Mr. Wightman, the master, fell early in the action, by which I lost the assistance of a good officer. The inferior officers behaved well in their respective stations; and the men fought with a cool, determined valour, that will ever redound to their credit. I cannot conclude without observing that Capt. Geddis and the officers of the Congress, after fighting us bravely, treated us when prisoners with great humanity.

Inclosed is a return of the killed and wounded.

I have the honour to be, &c.

CHARLES STIRLING.

*His Excellency Rear-admiral Graves.
A List of the Officers and Men Killed
and Wounded on Board his Majesty's
Sloop Savage, Sept. 6, 1781.*

Killed, Master and 7 seamen:—
Wounded, Captain, Lieutenant,
3 Midshipmen, 21 seamen:—
Total, 34.

CHARLES STIRLING.

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Extra

Extract of a letter from Rear-admiral DIBBY to Mr. STEPHENS, dated off New York, Nov. 13, 1781.

Please to acquaint their Lordships, that Rear-admiral Graves left the fleet on the 10th instant; and that Sir Samuel Hood likewise sailed yesterday with the squadron under his command, consisting of all the West-India ships, except the Prince William; together with the Royal Oak, Prince George, Canada, and America, which I have thought proper to put under his orders.

Admiralty-Office, Dec. 18, 1781.

Sir Richard Pearson, Captain of his Majesty's ship the *Arethusa*, arrived at Spithead yesterday afternoon from Rear-admiral Kempenfelt, with dispatches for Mr. Stephens, of which the following is an extract:

Victory at Sea, Dec. 14, 1781.

SIR,

You will please to acquaint my Lords Commissioners of the Admiralty, that the 12th instant, soon after day-light, *Ushant* then bearing N. 61. East, distance 53 leagues, the frigate looking out to windward made signal for seeing a fleet in the S. E. the wind then in that quarter, upon which I made signal for the two-decked ships and frigates to chase, and crouded sail in the *Victory*. At nine o'clock we could perceive they were steering large to the westward; at half past ten observed several ships of the line a considerable way a-head and upon our leebow, forming in order of battle, upon which I made the signal for the line; but having a prospect of passing between the enemy's ships of war and a great part of their convoy, I continued a pressed sail with a view of cutting them off, and succeeded in part; several struck to us; the exact number I cannot acquaint you with, (and am apprehensive that some which struck were not taken

possession of, the evening coming on, and it blowing fresh with thick weather.) By crouding sail to effect this, several of our ships were far astern, so that to form a line proper for action would have been impossible to effect it before dark; I therefore tacked to join the sternmost ships, at the same time making the signal for the order of sailing, to get the squadron connected, after which I put upon the same tack with the enemy. At day-light the next day we saw them to leeward, upon which I formed a line; but perceiving their force so much superior to my squadron, I did not think it advisable to hazard an action.

Inclosed you have a list of their force, which all the officers (prisoners) that I have spoke with agree in, and which corresponds, as to number and force of the ships, with the *Victory's* and reconnoitring ships observations.

As soon as I can collect the prizes together, I shall send them in under the protection of some ship of the squadron.

When we got amongst the convoy, the *Triumphant*, of 84 guns, who had kept with them, in bearing down to join their squadron, passed close across the *Edgar's* fore foot, (the leading ship of our line) and gave her a smart raking fire, which fortunately did not do much execution. The *Edgar's* conduct upon this occasion was masterly: She avoided being directly raked, by judiciously bearing up as the enemy passed her, and immediately after luffed to the wind, and brought her broadside at right angles with the enemy's stern, throwing in a well-directed fire, which we could perceive was very effectual; the next morning we observed the *Triumphant* in the French line with his main-top-mast and main-yard gone.

Lift

List of the Line of Battle Ships with the French Convoy.

La Bretagne,	110,	Monf. Le Compte de Guichen, (1st.)
L'Invincible,	110.	
Le Majestueux,	110,	Monf. Le Compte de Rochouart, (2d.)
Le Royal Louis,	112,	Monf. de Bauffet, (4th.)
Le Terrible,	110.	
La Couronne,	84,	Monf. de la Motte Piquet, (3d.)
Le Triomphant,	84,	Le Marquis de Vaudreuil.
Le Pegasse,	74.	
Le Magnifique,	74.	
L'Actif,	74.	
Le Dauphin Royal,	70.	
Le Bien Aimé,	74.	
Le Zodiaque,	74.	
Le Brave,	64.	
Le Robuste,	74.	
Le Fendant,	74.	
L'Argonaut,	64.	
Le Lion,	64.	
L'Indien,	64.	
L'Hardi,	} Armée en Flute.	
L'Alexandre		

N. B. Rear-admiral Kempfenfelt's squadron consisted of twelve sail of the line, one ship of 50 guns, four frigates, and one fireship.

Sir Richard Pierson relates, that the captured ships are chiefly laden with artillery and ordnance stores, and have on board between 900 and 1000 troops.

St. James's, December 18.

The following extracts of letters from the East-Indies have been transmitted by the Court of Directors of the East-India Company to the Earl of Hillsborough, one of his Majesty's Principal Secretaries of State:

Extract of a letter from the Chief and Factors at Anjengo to the Court of Directors, dated the 6th of August, 1781. Received over land the 16th of December.

The Morning Star cruizer from Bombay, having called here on her way to Bussorah, we embrace the opportunity of communicating to your Honours the pleasing intelligence, of Sir Eyre Coote having entirely defeated the army of Hyder Ally Caun in a general engagement, between Porto Novo and Mootea-

R. KEMPENFELT.
pollam, on the 1st of last month, the particulars of which your Honours will be fully informed by the accompanying extract of a letter from Sir Eyre Coote to Colonel Braithwaite, at Tanjore, dated the 6th ult. which was transmitted to the Resident by Captain Eidingtoun, (the Commandant at Palamcotah,) who has likewise advised him of the following particulars:

That the Swallow packet reached Madras on the 22d of June, and the Rodney packet also on the 12th ult. the latter having parted with the fleet she sailed with from England on the 5th of April, in latitude 28. N. That the army commanded by Sir Eyre Coote passed Permacoil on the 18th ult. with a view of effecting a junction with the large detachment of Bengal troops, which, with three battalions from the Northern Circars, had for some time been on their way to Madras, where, by the last accounts, they were nearly arrived.

Extract of a letter from Sir EYRE COOTE to Colonel BRAITHWAITE, dated July 6, 1781.

The 3d instant I had the pleasure
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to

to acquaint you of the success of our little army, in a general action the 1st inst. with Hyder Ally, between Porto Novo and Mootapollam. It lasted 8 hours, and was a hard fought day on both sides. The enemy's force consisted of 25 battalions of infantry, 400 Europeans, from 40 to 50,000 horse, and above 100,000 matchlock men, Peons and Polygars, with 47 pieces of cannon well served. Our second line having occupied some heights by which our rear was secured, I advanced with the first towards the enemy's guns, many of which, had we had a body of cavalry, must have fallen into our hands.— They made repeated attempts to force us with their horse, and kept up a brisk cannonade, which for a long time our heavy fire could not silence. Yielding at length to the steadiness, spirit, and bravery of our comparatively small number of troops, they retreated precipitately, and left us masters of the field. Meer Saib (Hyder Ally's favourite general) received a mortal wound; and among 4000 killed are many of the principal officers. On our side we lost very few officers, and from 3 to 400 killed and wounded. You will be pleased to communicate this fortunate event to all the Southern garrisons.

The foregoing is a true copy of an extract which I received from Captain James Eidingtoun.

(Signed) J. A. MORLEY.

Extract of a letter from the Select Committee at Bombay, dated July 28. 1781.

We have given orders for disposing the Dutch of their factories at Broach and Surat. We have had advice of the latter being effected, and have reason to believe a considerable property will be found belonging to the Dutch East-India Company, which shall be secured for the benefit of the English East-India Company.

From the London Gazette, Nov. 6. Whitehall, Nov. 6, 1781.

Lieutenant-colonel Conway, who sailed from New York the 1st of last month, in the Duke of Cumberland packet, arrived at this office on the evening of the 3d instant, with dispatches from Sir Henry Clinton to the Right Honourable Lord George Germain, one of his Majesty's Principal Secretaries of State, of which the following are extracts:

Extract of a letter from Sir HENRY CLINTON, to Lord GEORGE GERMAIN, dated New York, Sept. 7, 1781.

In my dispatch of the 20th of August, I had the honour to inform your Lordship, that General Washington had suddenly quitted his camp at White Plains: I have now that of communicating to you his subsequent movements.

He passed the Croton on the 19th ultimo, taking a station within a few miles of it. On the 23d and 24th he crossed the North River, and, by the position he took, seemed to threaten Staten Island until the 29th, when he suddenly moved towards the Delaware. At first I judged this to be a feint; but finding that he passed that river with some of his avant guard, and publicly talked of the Count de Grasse's being every moment expected in the Chesapeake to co-operate with him, I immediately endeavoured both by land and water to communicate my suspicions to Lord Cornwallis; at the same time assuring his Lordship, that I would either reinforce him by every possible means in my power, or make the best diversion I could in his favour.

As Rear-admiral Graves sailed from hence with his own and Sir Samuel Hood's Squadron the 31st ultimo, in consequence of the intelligence received respecting the Rhode Island fleet, as mentioned to your Lordship in my last dispatch; and

and as Lord Cornwallis, in his letters of the 31st ultimo and 2^d instant, which I received on the 4th and yesterday, informs me, that the Count de Graffe was in the Chesapeake with a considerable armament, I am in hourly expectation of hearing that Rear-admiral Graves has either intercepted Barras, or attacked the fleet in the Bay, or perhaps both. In the mean time I have embarked 4000 troops, with which I instantly proceed myself to relieve Lord Cornwallis as soon as I know the passage to him is open.

Extract of a letter from Sir HENRY CLINTON, to Lord GEORGE GERMAIN, dated New York, Sept. 12, 1781.

I have the honour to inform your Lordship, that the expedition I had sent against New London is returned, after having destroyed all the shipping there (except about sixteen, which made their escape up the River) and an immense quantity of naval stores, European manufactures, and East and West India commodities. It gives me concern, however, that in doing this important service the town was unavoidably burnt, occasioned by the explosions of great quantities of gunpowder, which happened to be in the storehouses that were set fire to. Brigadier-general Arnold's report, with a return of the killed and wounded, are inclosed for your Lordship's information. And I have the pleasure to acquaint your Lordship, that the Brigadier speaks to me with the highest praise of the good conduct, discipline and gallantry of all the Officers and men who accompanied him on this service. But as no words, in my opinion, can do them full justice, I shall only observe, that the assault of Fort Griswold (which is represented to be a work of very great strength) and the carrying it *by coup de main*, notwithstanding the very obstinate resistance of the garri-

son, will undoubtedly impress the enemy with every apprehension from the ardour of British troops, and will be hereafter remembered with the greatest honour to the 40th and 54th regiments, and their leaders, to whose share that attack fell; though we at present cannot too much lament the heavy loss they sustained in the many brave Officers and men who fell in the attempt: And I cannot doubt your Lordship will be happy to lay the merit of their exertions before the King, for his most gracious approbation.

Copy of a letter from Brigadier-general ARNOLD, to his Excellency the Commander in Chief, dated Plumb Island, 8th September, 1781.

Sound, off Plumb Island, September 8, 1781.

SIR,

I have the honour to inform your Excellency, that the transports with the detachment of troops under my orders, anchored on the Long Island shore on the 5th instant, at two o'clock, P. M. about ten leagues from New London; and having made some necessary arrangements, weighed anchor at seven o'clock, P. M. and stood for New London, with a fair wind. At one o'clock the next morning, we arrived off the harbour, when the wind suddenly shifted to the northward, and it was 9 o'clock before the transports could beat in. At ten o'clock the troops in two divisions, and in four debarkations were landed; one on each side the harbour, about three miles from New London; that on the Groten side, consisting of the 40th and 54th regiments, and the 3^d battalion of New Jersey Volunteers, with a detachment of Yagers and artillery, were under the command of Lieutenant-colonel Eyre. The division on the New London side consisted of the 38th regiment, the Loyal Americans, the American Legion, Refugees, and a detachment

of

of 60 Yagers, who were immediately on their landing put in motion, and at eleven o'clock, being within half a mile of Fort Trumbull, which commands New London harbour, I detached Capt. Millet, with four companies of the 38th regiment to attack the fort, who was joined on his march by Capt. Frink, with one company of the American Legion. At the same time I advanced with the remainder of the division, west of Fort Trumbull, on the road to the town, to attack a redoubt, which had kept up a brisk fire upon us for some time, but which the enemy evacuated on our approach. In this work we found six pieces of cannon mounted, and two dismounted; soon after I had the pleasure to see Capt. Millet march into Fort Trumbull, under a shower of grape shot from a number of cannon, which the enemy had turned upon him; and I have the pleasure to inform your Excellency, that by the sudden attack, and determined bravery of the troops, the Fort was carried with the loss of only four or five men killed and wounded. Capt. Millet had orders to leave one company in Fort Trumbull, to detach one to the redoubt we had taken, and to join me with the other two companies. No time on my part was lost in gaining the town of New London. We were opposed by a small body of the enemy with one field piece, who were so hard pressed that they were obliged to leave the piece, which being iron, was spiked and left.

As soon as the enemy were alarmed in the morning, we could perceive they were busily employed in bending sails, and endeavouring to get their privateers and other ships up Norwich river, out of our reach; but the wind being small, and the tide against them, they were obliged to anchor again. From information I received before and after my landing, I had reason to believe that

that Fort Griswold, on Groten side, was very incomplete; and I was assured (by friends to Government) after my landing, that there were only twenty or thirty men in the fort, the inhabitants in general being on board their ships, and busy in saving their property. On taking possession of Fort Trumbull, I found the enemy's ships would escape, unless we could possess ourselves of Fort Griswold; I therefore dispatched an officer to Lieutenant-colonel Eyre, with the intelligence I had received, and requested him to make an attack upon the fort as soon as possible; at which time I expected the howitzer was up, and would have been made use of. On my gaining a height of ground in the rear of New London, from which I had a good prospect of Fort Griswold, I found it much more formidable than I expected, or than I had formed an idea of, from the information I had before received; I observed at the same time, that the men who had escaped from Fort Trumbull, had crossed in boats, and thrown themselves into Fort Griswold; and a favourable wind springing up about this time, the enemy's ships were escaping up the river, notwithstanding the fire from Fort Trumbull, and a six-pounder which I had with me. I immediately dispatched an officer to Lieutenant-colonel Eyre, to countermand my first order to attack the fort, but the officer arrived a few minutes too late. Lieutenant-colonel Eyre had sent Captain Beck with a flag to demand a surrender of the fort, which was peremptorily refused, and the attack had commenced. After a most obstinate defence of near forty minutes, the fort was carried by the superior bravery and perseverance of the assailants. The attack was judicious and spirited, and reflects the highest honour on the officers and troops engaged, who seemed to vie with each other in being first in danger.

danger. The troops approached on three sides of the work, which was a square, with flanks, made a lodgment in the ditch, and under a heavy fire, which they kept up on the works, effected a second lodgment upon the fraizing, which was attended with great difficulty, as only a few pickets could be forced out or broke in a place, and was so high that the soldiers could not ascend without assisting each other. Here the coolness and bravery of the troops were very conspicuous, as the first who ascended the fraize were obliged to silence a nine-pounder, which infiltrated the place on which they stood, until a sufficient body had collected to enter the works, which was done with fixed bayonets, through the embrasures, where they were opposed with great obstinacy by the garrison with long spears.

On this occasion I have to regret the loss of Major Montgomery, who was killed by a spear in entering the enemy's works; also of Ensign Whillock, of the 40th regiment, who was killed in the attack. Three other officers of the same regiment were wounded: Lieutenant-colonel Eyre, and three other officers of the 54th regiment were also wounded, but I have the satisfaction to inform your Excellency that they are in a fair way to recover.

Lieutenant-colonel Eyre, who behaved with great gallantry, having received his wound near the works, and Major Montgomery being killed immediately after, the command devolved on Major Bromfield, whose behaviour on this occasion does him great honour.

Lieutenant-colonel Buskirk, with the New Jersey Volunteers, and artillery, being the second debarkation, came up soon after the work was carried, having been retarded by the roughness of the country; I am much obliged to this gentleman

for his exertions, although the artillery did not arrive in time.

I have enclosed a return of the killed and wounded, by which your Excellency will observe, that our loss, though very considerable, is very short of the enemy's, who lost most of their officers, among whom was their commander, Colonel Ladyard. Eighty-five men were found dead in Fort Griswold, and sixty wounded, most of them mortally; their loss on the opposite side must have been considerable, but cannot be ascertained. I believe we have about 70 prisoners, besides the wounded, who were left paroled.

Ten or twelve of the enemy's ships were burned, among them three or four armed vessels, and one loaded with naval stores, an immense quantity of European and West India goods were found in the stores.—Among the former the cargo of the *Hannah*, Captain Watson, from London, lately captured by the enemy; the whole of which was burnt with the stores, which proved to contain a large quantity of powder, unknown to us; the explosion of the powder, and change of wind, soon after the stores were fired, communicated the flames to part of the town, which was, notwithstanding every effort to prevent it, unfortunately destroyed.

Upwards of fifty pieces of iron cannon work destroyed in the different works, (exclusive of the guns of the ships) a particular return of which I cannot do myself the honour to transmit to your Excellency at this time.

A very considerable magazine of powder, and barracks to contain three hundred men, were found in Fort Griswold, which Captain Lemoine, of the Royal Artillery, had my positive directions to destroy: an attempt was made by him, but unfortunately failed; he had my orders

orders to make a second attempt, the reasons why it was done, Captain Lemoine will have the honour to explain to your Excellency.

I should be wanting in justice to the gentlemen of the navy, did I omit to acknowledge, that upon this expedition I have received every possible aid from them. Capt. Beasley has made every exertion to assist our operations, and not only gave up his cabin to the sick and wounded officers, but furnished them with every assistance and refreshment that his ship afforded.

Lord Dalrymple will have the honour to deliver my dispatches: I beg leave to refer your Excellency to his Lordship for the particulars of our operations on the New London side. I feel myself under great obligations to him for his exertions upon the occasion.

Captain Beckwith, who was extremely serviceable to me, returns with his Lordship. His spirited conduct in the attack of Fort Grisvold does him great honour; being one of the first officers who entered the works. I beg leave to refer your Excellency to him for the particulars of our operations on that side, and to say I have the highest opinion of his abilities as an officer.

I am greatly indebted to Captain Stapleton (who acted as Major of Brigade) for his spirited conduct and assistance; in particular on the attack upon Fort Trumbull, and his endeavours to prevent plundering (when the public stores were burnt) and the destruction of private buildings.

The officers and troops in general behaved with the greatest intrepidity and firmness.

I have the honour to be, with the greatest respect, your Excellency's most obedient and most humble servant,

B. ARNOLD.

Return of the Killed, Wounded, and Missing, of the following Corps, on the 6th of September, 1781.

Hessian Yagers. 2 rank and file wounded; 5 rank and file missing.

38th regiment. 2 rank and file wounded; 1 rank and file missing.

40th ditto. 1 Major, 1 Ensign, 1 serjeant, 28 rank and file killed; 1 Captain, 1 Lieutenant, 1 Ensign, 2 serjeants, 1 drummer, 49 rank and file wounded.

54th ditto. 1 serjeant, 14 rank and file killed; 1 Lieutenant-colonel, 1 Captain, 1 Lieutenant, 1 Ensign, 6 serjeants, 1 drummer, 67 rank and file wounded.

Loyal American regiment. 1 rank and file killed; 2 rank and file wounded.

American Legion. 1 rank and file killed; 1 Captain, 5 rank and file wounded; 2 rank and file missing.

Total. 1 Major, 1 Ensign, 2 serjeants, 44 rank and file killed; 1 Lieutenant-colonel, 3 Captains, 2 Lieutenants, 2 Ensigns, 8 serjeants, 2 drummers, 127 rank and file wounded; 8 rank and file missing.

Names of Officers killed and wounded.

40th regiment. Major William Montgomerie, Ensign Archibald Whillock, killed; Captain George Craige, Lieutenant H. William Smyth, Ensign Thomas Hyde, wounded and since dead.

54th reg. Lieutenant-colonel Edmund Eyre, Capt. Richard Powell, Lieutenant Thomas Daunt, Ensign William Rainsforth, Volunteer James Boyd, wounded.

American Legion. Capt. Samuel Wogan, wounded.

(Signed)

JOHN STAPLETON,
acting as Major of Brigade.

On board the *Shuldham*,
Sept. 8, 1781.

Return

Return of Ordnance, Ammunition, &c. taken this day in Fort Griswold and its dependencies, by a detachment of his Majesty's troops under the command of Brigadier-general ARNOLD, on an expedition to Connecticut, viz.

In Fort Griswold.

Iron ordnance mounted on carriages. Garrison. 1 eighteen-pounder, 14 twelve-pounders, 2 nine-pounders, 1 six-pounder, 1 four-pounder, 1 three-pounder. Travelling, 1 twelve-pounder, 2 four-pounders. Total, 23.

In the Fleche.

Ordnance Iron on Travelling Carriages, 4-pounders - - 3

On the Lower Battery.

Ordnance Iron } 18-pounders 7
mounted on Gar- }
rison Carriages } 12 - - 2

Total 9

Total of Iron Ordnance 35

Musquets French - - 106
Pikes - - - 80

Round Shot.

1680 eighteen-pounders, 2100 twelve-pounders, 290 nine-pounders, 100 six-pounders, 200 four-pounders, 40 three-pounders.

Grape Shot.

230 eighteen-pounders, 340 twelve-pounders, 75 nine-pounders, 70 six-pounders, 90 four-pounders, 75 three-pounders.

Cartridges—Paper filled.

12 eighteen-pounders, 23 twelve-pounders, 8 nine-pounders, 4 six-pounders, 14 four-pounders, 6 three-pounders.

Musquet. 10,000

Powder, cornet. 150 cwt.

Spare carriages.

1 garrison thirty-two pounder, 1 travelling twelve-pounder.

2 ammunition waggons. 1 Gun
Vol. XIII.

Triangle complete.—Stores for the Laboratory, &c. &c. &c.

(Signed) J. LEMOINE,
Captain of Artillery.

*Beisy Sloop, New London Harbour,
6th September, 1781.*

*Return of Ordnance found and spiked by a detachment of the army under the command of Brigadier-general ARNOLD, on the New-London side,
6th Sept. 1781.*

Nine iron eighteen-pounders, mounted at Fort Trumbull, 6 six-pounders at ditto, 6 twelve or nine-pounders, mounted at Fort Folly, 2 ditto dismounted, 1 twelve-pounder, on the road to New London.—Total, 24.

In Fort Trumbull 12 eighteen, 3 six-pounders.

A quantity of ammunition and stores of different kinds were destroyed in the magazine at Fort Trumbull, and in the Meeting House at New London.

WM. H. HORNDON,
First Lieutenant Royal Regiment
of Artillery.

Extract of a letter from Sir HENRY CLINTON to Lord GEORGE GERMAIN, dated New York, Sept. 20, 1781.

The day after I had inclosed my dispatches of the 12th of September, I received a letter from the Admiral, dated the 9th instant, to inform me, that the enemy being absolute masters of the navigation of the Chesapeake, there was little probability of any thing getting into York River but by night, and an infinite risk to any supplies sent by water, at the same time acquainting me, that he had on the 5th a partial action with the French fleet of 24 sail of the line, and that the two fleets had been in sight of each other ever since; which making it inexpedient to send off the reinforcement immediately, under such dangerous circumstances, I thought it right to call a Council of
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the General Officers on the subject, who unanimously concurred with me in opinion, that it was most advisable to wait until more favourable accounts from Rear-admiral Graves, or the arrival of Admiral Digby, rendered the sailing of the reinforcement less hazardous; but our fleet having arrived at the Hook on the 29th, a Council of War, composed of the Flag and General Officers, was assembled as soon as possible, the minutes of which will inform your Lordship, that the exertions of both fleet and army shall be made to form a junction with the Squadron and army in Virginia. Rear-admiral Digby arrived off the Hook the 24th instant.

Lieutenant-colonel Conway, of his Majesty's Foot-Guards, after having served the campaign in Virginia, came here lately, upon all active operations ceasing in that quarter; but, on hearing that the French were in the Chesapeake, was desirous (though I had granted him leave to go to Europe on his private affairs) to return thither again, and wished to attend me on this expedition: however, judging that he would be more useful by going home, from his knowledge of the situation in which he had left Lord Cornwallis, I have prevailed upon him to be the bearer of my dispatches to your Lordship; and I beg leave to refer you to him.

Admiralty-Office, Nov. 6, 1781.

Extract of a letter from Rear-admiral GRAVES, Commander in Chief of his Majesty's ships and vessels in North-America, to Mr. STEPHENS, dated on board the London, at Sandy Hook, the 26th of Sept. 1781.

When my last dispatch was made up, and sent away by the Medea, I had not received the several accounts from the Chesapeake, which shew, that the French fleet arrived off Cape Henry the same day that Rear-admiral Sir Samuel Hood, with the

Leeward Island Squadron, arrived off Sandy Hook. The Prudent, and several frigates of the West-India Squadron, with dispatches for Rear-admiral Sir Samuel Hood, joined the fleet as it was returning to the Hook.

The inclosed from Capt. Bazeley, of the Amphion, will shew the effect of the descent upon New London.

The last letters from Capt. Biggs, of the Amphitrite, in Bolton Bay, dated the 10th of September, mention, his having taken, in company with the General Monk, four prizes; and of his having, on the 4th, fallen in with two French ships off Cape Ann, one a ship of the line, the other a large frigate, and was chased by them. Captain Biggs likewise acquaints me that the Magicienne French frigate had been taken by the Chatham, Captain Douglas, on the 2d instant, off Cape Ann, and carried away for Halifax. In the action the French lost 60 men killed and 40 wounded; in the Chatham, one killed and one wounded.

Upon my return to Sandy Hook with the fleet on the 20th, I was agreeably surprized to find that three of the Pegasus's convoy of victuallers had arrived at New York.

The arrival of Rear-admiral Digby, on the evening of the 24th, in the Prince George, with the Canada and Lion, gave the greatest satisfaction.

The whole fleet are as busy as they can be: every exertion of mine, and of every other officer in the fleet, I may venture to affirm, will not be wanting.

Extract of Captain BAZELEY's letter, dated Amphion, off New London, Sept. 8, 1781.

I have the satisfaction to inform you, that I arrived off this port at two A. M. on the 6th inst. at which time an unfortunate change of wind took place directly out of the harbour,

bour, which prevented my anchoring till half past six. I then disposed of the armed vessels and transports agreeable to Brigadier-general Arnold's wishes, in order to effect a covering and landing of the troops, which was completed by nine o'clock. The armed vessels and boats I immediately afterwards ordered to be put in preparation, under the direction of Captain Shepherd of the Recovery, to proceed up the river, and act in conjunction with the army, at any moment their assistance was required, to aid in effecting the destruction of the port of New London, &c. agreeable to your orders, which would have finally taken place but for the alarm guns, which were fired from the forts at day-break; by this means I was deprived of getting hold of their shipping at anchor in the stream, which, with most of those at the wharfs, proceeded some miles up the river, so far as to prevent, by any possible means, my taking or destroying of them: Those remaining at the wharfs were burned by the army. The ardour and determined conduct shewn by the troops in storming of the forts deserve (in my opinion) the highest encomiums.

I am now proceeding, with all possible dispatch, with the armed vessels and transports, to New York: The Lurcher armed brig I have dispatched with General Arnold's Aid de Camp and Lieutenant Bunce, of the Amphion, who will present you the letter, to whom I beg leave to refer you for any further particulars.

Copy of a letter from Rear-admiral DIGBY to Mr. STEPHENS, dated Prince George, off Sandy Hook, Sept. 25, 1781.

SIR,

You will receive herewith a Journal of the proceedings of the ships under my command since I left England, by which I hope their Lordships will be convinced, that there

has not been a moment's loss of time in endeavouring to get here, though I find the Lively brig, who sailed after us, has been here some considerable time. I am now waiting with the Canada and Lion to get over New York Bar, but am afraid the wind will not serve us to-day.—However, as we are extremely healthy, and shall want very little, I make no doubt we shall be ready as soon as great part of the fleet.—The Perseverance, who separated from us some days ago, I find is here.

I should have deferred writing till I had got in, but understand there is some vessel going immediately to England, and I am unwilling to miss the opportunity of acquainting their Lordships of my safe arrival.

I am, &c.

ROBERT DIGBY.

*London Gazette, November 13.
Admiralty-Office, Nov. 13, 1781.
Extract of a letter from Sir ANDREW SNAPE HAMOND, Commissioner of his Majesty's navy at Halifax, to Mr. STEPHENS, dated the 10th of September, 1781.*

Be pleased to acquaint the Lords Commissioners of the Admiralty, that his Majesty's ship the Chatham, Captain Andrew Snape Douglas, is arrived here with the Magicienne, a French frigate of 32 guns, twelve-pounders, and 290 men, commanded by the Chevalier Bouchtierre, which was taken the 2d inst. within three miles of Boston.

The enemy engaged the Chatham half an hour, (although close alongside) during which time he had 32 men killed and 54 wounded. The Chatham lost only two men in the action, and had four wounded.

*Philadelphia, October 24.
This morning arrived Colonel TENCH TILGHMAN, Aid de Camp to his Excellency*

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Excellency General WASHINGTON,
with the following dispatches to
Congress:

Head Quarters, near York, October 19,
1781.

SIR,

I have the honour to inform Congress, that a reduction of the British army, under the command of Lord Cornwallis, is most happily effected. The unremitted ardor which actuated every officer and soldier in the combined army on this occasion, has principally led to this important event, at an earlier period than my most sanguine hopes had induced me to expect.

The singular spirit of emulation which animated the whole army from the first commencement of our operations, has filled my mind with the highest pleasure and satisfaction, and had given me the happiest presages of success.

On the 17th instant, a letter was received from Lord Cornwallis, proposing a meeting of Commissioners to consult on terms for the surrender of the posts of York and Gloucester. This letter (the first that had passed between us) opened a correspondence, a copy of which I do myself the honour to enclose; that correspondence was followed by the definitive capitulation, which was agreed to and signed on the 19th, a copy of which I herewith transmit; and which, I hope, will meet with the approbation of Congress.

I should be wanting in the feelings of gratitude, did I not mention, on this occasion, with the warmest sense of acknowledgments, the very cheerful and able assistance which I have received in the course of our operations, from his Excellency the Count de Rochambeau.—Nothing could equal this zeal of our allies, but the imitating spirit of the American officers, whose ardour would not suffer their exertions to be exceeded.

The very uncommon degree of duty and fatigue, which the nature

of the service required from the officers of engineers and artillery of both armies, obliges me particularly to mention the obligations I am under to the commanding and other officers of those corps.

I wish it was in my power to express to Congress, how much I feel myself indebted to the Count de Grasse and the officers of the fleet under his command, for the distinguished aid and support which has been afforded by them, between whom and the army, the most happy concurrence of sentiments and views have subsisted; and from whom every possible co-operation has been experienced, which the most harmonious intercourse could afford.

Returns of the prisoners, military stores, ordnance, shipping, and other matters, I shall do myself the honour to transmit to Congress, as soon as they can be collected by the heads of the departments to which they belong.

Col. Laurens, and the Viscount de Noailles, on the part of the combined army, were the gentlemen who acted as Commissioners for forming and settling the terms of capitulation and surrender, herewith transmitted, to whom I am particularly obliged for their readiness and attention exhibited on the occasion.

Colonel Tighman, one of my Aids de Camp, will have the honour to deliver these dispatches to your Excellency; he will be able to inform you of every minute circumstance which is not particularly mentioned in my letter. His merits, which are too well known to need any observations at this time, have gained my particular attention, and I could wish that they may be honoured by the notice of your Excellency and Congress.

Your Excellency and Congress, will be pleased to accept my congratulations on this happy event, and believe me to be, with the highest respect and esteem, Sir, your Excellency's

lency's most obedient, and humble servant,

GEO. WASHINGTON

P. S. Though I am not possessed of the particular returns, yet I have reason to suppose, that the number of prisoners will be between five and six thousand, exclusive of seamen and others.

His Excellency the President of Congress.

Here follow the Correspondence and Articles of Capitulation between Lord CORNWALLIS and General WASHINGTON, as they already appeared in page 42.

PHILADELPHIA, October 13.

Lieutenant-colonel HAMILTON's report to Major-general the Marquis DE LA FAYETTE, with a return.

SIR,

I have the honour to render you an account of the corps under my command, in your attack of last night upon the redoubt of the enemy's lines.

Agreeable to your orders, we advanced in two columns with unloaded arms, the right composed of Lieutenant-colonel Gimat's battalion and my own, commanded by Major Fish. The left of a detachment commanded by Lieutenant-colonel Laurens, destined to take the enemy of reverse, and intercept their retreat. The column on the right hand was preceded by a van guard of twenty men, led by Lieutenant Mansfield; and a detachment of sappers and miners, commanded by Captain Galliland, for the purpose of removing obstructions.

The redoubt was commanded by Major Campbell, with a detachment of British and German troops, and was completely in a state of defence.

The rapidity and immediate success of the assault, are the best comment on the behaviour of the troops. Lieutenant-colonel Laurens distinguished himself by an exact and vigorous execution of his part of the

plan, by entering the enemy's work with his corps among the foremost, and making prisoner of the commanding officer of the redoubt.—Lieutenant-colonel Gimat's battalion, which formed the van of the right attack, and which fell under my immediate observation, encouraged by the decisive and animated example of their leader, advanced with an order and resolution superior to every obstacle. They were well seconded by Major Fish, with the battalion under his command, who, when the front of the column reached the abbatis, unlocking his corps to the left, as he had been directed, advanced with such celerity, as to arrive in time to participate in the assault.

Lieutenant Mansfield deserves particular commendation, for the coolness, firmness, and punctuality, with which he conducted the van guard. Captain Olney, who commanded the first platoon of Gimat's battalion, is entitled to peculiar applause. He led his platoon into the work with exemplary intrepidity, and received two bayonet wounds, Captain Galliland, with the detachment of sappers and miners, acquitted themselves in a manner that did them great honour.

I do but justice to the several corps when I have the pleasure to assure you, there was not an officer nor soldier whose behaviour, if it could be particularized, would not have a claim to the warmest approbation. As it would have been attended with delay and loss to wait for the removal of the abbatis and pallisades, the ardour of the troops was indulged in passing over them.

There was a happy coincidence of movements. The redoubt was in the same moment enveloped and carried on every part. The enemy are entitled to the acknowledgment of an honourable defence.

Permit me to have the satisfaction of

of expressing our obligations to Col. Armand, Capt. Segogne, the Chevalier de Fontevieux, and Captain Bedkin, officers of his corps, who acting upon this occasion as volunteers, proceeded at the head of the right column, and entering the redoubt among the first, by their gallant example contributed to the success of the enterprize.

Our killed and wounded you will perceive by the inclosed return. I sensibly felt at a critical period the loss of the assistance of Lieutenant-colonel Gimat, who received a musket ball in his foot, which obliged him to retire from the field. Capt. Bets, of Laurens's corp., Captain Hunt and Lieutenant Mansfield, of Gimat's, were wounded with the bayonet in gallantly entering the work. Captain Lieutenant Kirkpatrick, of the corps of sappers and miners, received a wound in the ditch. Inclosed is a return of the prisoners. The killed and wounded of the enemy did not exceed eight. Incapable of imitating examples of barbarity, and forgetting recent provocations, the soldiery spared every man that ceased to resist. I have the honour to be, with the warmest esteem and attachment, Sir, your most obedient servant,

A. HAMILTON,

Lieut. Col. Commandant.

*Major Gen. the Marquis de la Fayette.
Return of the French troops killed and wounded, from the beginning of the siege of York, to October 13.*

Rank and file, 50 killed, 127 wounded, and nine officers wounded, two of whom are since dead.

Return of the killed and wounded of the American army, from the 28th of Sept. 1781, the day of the investiture of York, to the storm of the enemy's redoubt, on the night of the 14th of October following, inclusive.

Killed, 1 Captain, 1 Serjeant, 16 rank and file; wounded, 1 Colonel, 2 Lieutenants ditto, 1 Major, 3

Captains, 1 Captain-lieutenant, 1 Lieutenant, 1 Serjeant, 40 rank and file. Total Militia, killed, 4 rank and file; wounded, 16 rank and file.

(Signed) EDWARD HAND, A. G.
Published by order of Congress.

CHARLES THOMPSON, Sec.

The following are the general orders which General Washington caused to be published in his Camp on the 20th of October, the day succeeding the reduction of Lord Cornwallis's army.

“The General congratulates the army upon the glorious event of yesterday. The testimony which his Most Christian Majesty has given of his attachment to the cause of America, ought entirely to convince the minds of our enemies (who entertain very erroneous opinions on the subject) of the salutary consequences of the alliance, and inspire in all the citizens of these States, sentiments of unalterable gratitude. His fleet, the most numerous and powerful that ever appeared in these seas, commanded by an Admiral whose success and abilities gave us every reason to preface great events: His army, consisting of the most chosen men, whether officers or common soldiers, are pledges of his friendship to the United States; and it is owing to their assistance that we have obtained so signal a victory as the present.

“The General seizes this opportunity to request the Count Rochambeau, to accept his testimonies of the most lively gratitude for his council and assistance during the whole time. He offers his warmest acknowledgments to the Generals, the Baron de Viomesnil, the Chevalier de Choteleux, the Marquis de St. Simon, the Count de Viosmesnil, and the Brigadier-general de Choisy, who had a separate command, for the gallant manner in which they promoted the interest of the common cause.

“He

" He requests the Comte de Rochambeau to communicate to the troops under his immediate command the high sense which he entertains of the distinguished merit of the officers and soldiers of each corps; and that he will have the goodness to present, in his name, to the regiments of Agenois and Deux Ponts the two pieces of artillery taken by them, to serve as a testimony of the courage which they displayed in their attack of the enemy's redoubts on the 14th, in which both the officers and soldiers signalized themselves in the exercise of all the military qualities, so as even to excite envy. The thanks of the General to every individual who merited them, would include the army; but he nevertheless thinks himself bound by all the ties of affection, gratitude, and duty, to acknowledge the obligation which he is under to the Majors General Lincoln, de la Fayette, and Sumpter; to the General of the front gate, and Colonel Carney, for the vigour and intelligence which they displayed in proceeding to the attack; to Gen. Knox and Col. d'Abbeville, for their great care and attention in conducting the artillery and warlike stores, and for the brave and judicious manner in which they disposed them in the parallels. He intreats those gentlemen whom he has mentioned to communicate his thanks to the officers and soldiers under their commands. The General would be guilty of the highest ingratitude, a crime of which he hopes he shall never be accused, if he forgot to return his sincere acknowledgments to his Excellency Governor Nelson, for the succours which he received from him, and the militia under his command, to whose activity, emulation and bravery, the highest praises are due; the magnitude of the acquisition will be an ample compensation for the difficulties and dangers which they met with so much firmness and

patriotism. To spread the general joy in all hearts, the General commands that those of the army, who are now held under arrest, be pardoned, set at liberty, and that they join their respective corps.

" Divine service shall be performed to-morrow in the different brigades and divisions. The Commander in Chief recommends that all the troops that are not upon duty, to assist at it with a serious deportment, and that sensibility of heart which the recollection of the surprising and particular interposition of Providence in our favour claims.

G. WASHINGTON."

From the London Gazette.

St. James's, Dec. 4, 1781.

By letters from the Hon. Lieutenant-general Murray, dated St. Philip's Castle, the 12th and 13th of November, information is received, that the Duke de Crillon took post at Cape Mola in such a manner as to put it in the power of the garrison to chase him from thence; and although his whole army advanced to dislodge the troops, they were able to maintain their ground; and when the enemy saw their disposition, they were content not to attack them, so that they retired quietly into the fort, with 100 prisoners, including a Lieutenant-colonel, three Captains, and five Subaltern Officers, having suffered no other loss than one man killed upon the spot, and two are since dead of their wounds. That the enemy opened their mortar batteries on the 11th of November, and on the 13th had not damaged a single article, one carriage of a six-pounder excepted; that the enemy's powder magazine, behind Turk's Mount, had been blown up by one of the shells from the Castle, by which the mortar battery of the enemy was destroyed, and it was presumed that their loss of men must be considerable,

able, as a great many were blown up, and a great number of shells burst at the same time: and that the artillery of the Castle, which is excellent, had some time before sunk, at the quay of George Town, a vessel loaded with ammunition and stores for the enemy's batteries, which must be a great loss and retardment to them.

From the London Gazette.

Admiralty-Office, 7th Dec. 1781.

Extract of a letter from Capt. MACBRIDE, of the Artois of 40 guns, to Mr. STEPHENS, dated in the Humber the 4th instant.

The information I had of two stout privateers having sailed on a cruize, seemed well founded. I concluded that our East Country trade would be their object, in consequence I made sail, directing our course to the northward, striking the Dogger Bank in the parallel of Flamborough Head, about twenty leagues distant, deeming that quarter the most likely to fall in with them. At ten o'clock yesterday morning saw them; they stood for us with much confidence. About two o'clock I brought them both to action; paid only attention to the one on our quarter, till we had effectually winged her, then pushed forward and closed the other, which was engaged on our bow. In about thirty minutes she struck, sent a boat on board to take possession, and wore round after the other, who was making off, who also struck on our coming up. They proved to be the Hercules and Mars, two privateers belonging to Amsterdam, mounting 24 nine-pounders and 10 cohorns each, are perfectly new and alike, sail as fast as the Artois, and the compleatest privateers I ever saw, cost upwards of 20,000*l.* commanded by two Hogenboomes, father and son, inhabitants of Flushing, and did much mischief to our trade; he was sent

for on purpose to command these privateers. They had sailed from the Texel the 30th of November, and had only taken one of our fishing smacks.

The Hercules had 164 men on board; 13 were killed, and twenty wounded: the Mars, 146 men, nine were killed, and fifteen wounded.—We had one man killed, and six wounded.

I beg you to represent to their Lordships, that I am much indebted to the attention of my officers and people in securing both these gentry. Our rigging and sails are cut, and foretop-mast unserviceable.

From the London Gazette.

Whitehall, Nov. 20, 1781.

Extract of a letter from Sir HENRY CLINTON to Lord GEORGE GERMAIN, dated New-York, Oct. 15, 1781.

I have the honour to inclose, for your Lordship's information, Copies of an Exchange effected on the third ultimo, of British and German officers of the troops of convention, and prisoners of war.

A List of British and German Officers of the Troops of Convention, and Prisoners of War exchanged, Staten-Island, Sept. 3.

BRITISH.

Brigadier-general Hamilton.

Lieutenant-colonel Lind.

Captains—9th, Maclean; 20th, Banks; 21st, Lovell, Kirkman; 24th, Jamaison, Coote.

Lieutenants—9th, Vincent, Kemmis; 20th, Norman; 21st, Hepburn, Blackwood, Hobart; 47th, Ward; Royal Artillery, Dunbar, Muire, Houghton, Steele; 33d, Nutt.

Second Lieutenants—21st, Peddle, Darrah, Massay; Royal Artillery, Remington.

Ensigns—9th, Percy, Gwyn, Dean, Leslie; 20th, Bateman, Moore, May; 24th, Power, Stowe, Andbury.

Surgeons

Surgeons—21st, Pemberton; 24th, Stone.

Mates—20th, Carroll; 47th, Walker; Royal Artillery, Melville; Hospital, Shields.

Adjutant—24th, Calladine.

Assistant Commissaries—Rousseau, Forster.

Provost Marshall—Etherington.

GERMANS.

Lieutenant-colonels—Grenadiers, De Mengen; Hanau, Lentz.

Major—Specot, D'Ehrenhook.

Captains—Grenadiers, De Lohneisen; Rhetz, Ahlers, Arend; Riedesel, Harbord, D'Geiswald; Specht, Jäger; Hanau, Schel, German, D'Butler.

Lieutenants—Grenadiers, Uling, Rupolphy, Helmekz; Rheiz, Meire, D'Haefeler, Riedesel, Hoyer, Morgenstern, Reineking; Specht, Meyer, De Kilkau; Jagers, Kruse; Hanau, D'Gheiling, D'Eschewdel, D'Trott.

Second-Lieutenants—Dragoons, Borneman; Grenadiers, D'Mulzel, Trott; Rhetz, D'Doveneck, Conrady, Peters, D'Modrach, Feichel.

Ensigns—Rhetz, Bandel, Frich.

Second-Lieutenants—Diedesel, Cramm, D'Meyern, Brandes; Specht D'Aniers, Ooldekopff, Du Roi.

Ensigns—Specht, De Bernewitz, De Ulmenstein.

Second-Lieutenants—Light Infantry, Rohr, Renius, Gladen; Hanau, Burkhard, Beymert, Weitzell.

Second-Lieutenants—Artillery, Dufoy; Specht, Grippe.

Adjutant—Hanau, Herwagen.

Quarter-master—Sartorius.

Surgeons—Dragoons, Kholer; Grenadiers, Muller; Rhetz, Schraeder.

Twelve Mates to Companies, two Ammoniers, two Auditeurs.

PRISONERS OF WAR.

Major—Brunswick, D'Meibon.

Lieutenants—71st, Nairn, Grif-fith.

Ensign—Brunswick, D'Meibon.

VOL. XIII.

From the London Gazette.

St. James's, Dec. 29.

Extract of a Letter from his Excellency General ELLIOT, Governor of Gibraltar, to the Earl of HILLSBOROUGH, One of his Majesty's Principal Secretaries of State, dated Gibraltar, Nov. 28, 1781; received Dec. 27.

I have the honour to communicate to your Lordship, that the uniform appearance of the enemy's operations sufficiently shewing, that an attempt to destroy the whole of their advanced works, now arrived at the highest state of perfection, after immense labour and expence, would probably be attended with the desired success, it was therefore judged expedient to carry the same into immediate execution.

The necessary arrangements being made, a considerable detachment, formed in three columns, marched from the garrison upon the setting of the moon, at three o'clock on the morning of the 27th instant. The columns were severally composed of an advanced corps, a body of pioneers, artillery-men carrying combustibles, a sustaining corps, with a reserve in the rear. The pioneers of the left column were seamen of his Majesty's ships.

The force of the enemy, in their lines and advanced works, consisted of fifty or sixty cavalry, and six hundred infantry, composed of the Spanish and Walloon Guards, Artillerists, Cassadores, and other Light Troops, besides the usual body of workmen carrying their arms.

The vigorous efforts of his Majesty's troops, on every part of the exterior front, were irresistible; and the enemy, after a scattering fire of short duration, gave way on all sides, and abandoned their stupendous works with great precipitation.

The pioneers and artillerists made wonderful exertions, and spread their
K fire

fire with such amazing rapidity, that in half an hour two mortar batteries of ten 13-inch mortars, and three batteries of six guns each, with all the lines of approach, communication traverses, &c. were in flames, and are reduced to ashes. The mortars and cannon were spiked, and their beds, carriages and platforms destroyed.— Their magazines blew up, one after another, as the fire approached them.

The enemy, seeing all opposition to be ineffectual, offered no other annoyance than an ill-directed fire of round and grape shot from the forts St. Barbara and St. Philippe, and the batteries on the lines, and remained in their camp spectators of the conflagration.

The whole detachment was in the garrison again by five o'clock, just before the break of day. Brigadier-general Ross had the chief command, and conducted the attack with so much judgment, through the variety of critical incidents attending an enterprise of this nature, as highly contributed to the general success. The center column was led by Lieutenant-colonel Dachenhausen, of Reden's regiment; the right by Lieutenant-colonel Hugo, of Hardenbergh's; the left by Lieutenant-colonel Trig, of the 12th; and the reserve by Major Maxwell, of the 73d. The seamen, in two divisions, were commanded by Lieutenant Campbell, of the *Brilliant*, and Lieut. Muckle, of the *Porcupine*.

Captain Curtis, of the *Brilliant*, (commanding the squadron in the Bay) accompanied them as a volunteer, and greatly distinguished himself, by his discernment, assistance, and personal efforts. To the attention and valour of these chief officers, and the steadiness of the troops, was owing the good order observed throughout the whole.

Greater zeal for his Majesty's service was never shewn; nor was

there ever an enterprize more perfectly executed.

Many of the enemy were killed upon the spot; but owing to the darkness and other circumstances, I am not enabled to inform your Lordship, either of the exact number, or their particular quality. A Sub-lieutenant of grenadiers, with rank of captain, and seven of the Walloon guards, with an officer and three artillery men, were taken prisoners.

It is with extreme pleasure that I acquaint your Lordship the loss on our part has been inconsiderable, a return of which is herewith inclosed. *A Return of the Killed, Wounded, and Missing, at the Sally, on the 27th of November, 1781.*

Royal Artillery. 1 Rank and file wounded.

12th regiment. 1 Rank and file killed; Lieut. Tweedle, 1 rank and file wounded.

39th ditto. 1 Serjeant wounded.

72d ditto. 1 Rank and file wounded.

73d ditto. 1 Rank and file killed; 2 rank and file wounded.

S. A. Company. 1 Rank and file wounded.

Hardenbergh's. 2 Rank and file killed; 1 serjeant, 11 rank and file wounded.

Reden's. 1 Rank and file missing.

Total. 4 rank and file killed; 1 Lieutenant; 2 serjeants, 17 rank and file wounded; 1 rank and file missing.

Five seamen wounded; but only one dangerously.

N. B. None of the wounded since dead, but all likely to do well.

G. A. ELLIOT, Governor.

From the London Gazette.
Admiralty-Office, January 1, 1782.
Extract of a letter from Capt. CALDWELL, Commander of his Majesty's ship Agamemnon, to Mr. STEPHENS, dated Spithead, Dec. 30, 1781.
Please to acquaint my Lords Commissioners

missioners of the Admiralty with the arrival here of his Majesty's ship under my command, with five prizes. We were detached, with La Prudente, by Rear-admiral Kempenfelt, to proceed after the French convoy, (with a view of falling in with some of their transports or trading vessels that may have separated from them) which the fleet under his command fell in with the 12th instant.

On the 25th at noon, (in latitude of 46, 30 N. Scilly N. 46. E. distance 200 leagues) we took five sail from Bourdeaux bound to Martinico, chiefly laden on the French King's account, (list of which accompanies this) and were intended to have joined M. de Guichen.

The weather has been one constant gale of wind from S. S. W. to W. S. W. with hard squalls, and five hours storm, so that I should hope the French convoy will be scattered, if they have not in prudence returned.

There are three King's Officers among the prisoners, one Captain of Foot, and two of Artillery.

A List of Prizes taken by his Majesty's ship Agamemnon, BENJAMIN CALDWELL, Esq. Commander, at sea, the 25th day of December, 1781.

Ship Marchais, M. Dugay, master, 350 tons, bound from Bourdeaux to Martinico, laden with 15 large cables from 16 to 24 inches, cordage, wine, 300 barrels of gunpowder, flour, provisions, sundry kinds of linen, and India goods.

Ship L'Elizabeth, M. Gardiere master, 380 tons, from Bourdeaux to Martinico, with wine, flour, cordage, cloathing for soldiers, sundry merchandize, and some India goods.

Ship Le Compte Denoe, M. Tennet master, 350 tons, from Bourdeaux to Martinico, with wine, flour, beef, pork, silks, and sundry merchandizes.

Ship La Catherine, M. Habzouet master, 280 tons, from Bourdeaux to Martinico, with wine, flour, beef, pork, and all sorts of merchandize.

Snow La Navigation, M. Carpeutier master, 220 tons, from Bourdeaux to Martinico, with flour, provisions, and a little merchandize.

BENJ. CALDWELL.

From the London Gazette.

Admiralty-Office, Jan. 4 1782.

The following are extracts of letters received yesterday from Captain Inglis, of his Majesty's ship St. Alban's, to Mr. Stephens:

Carlisle Bay, Barbadoes, Nov. 30, 1781.

Please to inform my Lords Commissioners of the Admiralty, that his Majesty's ships St. Alban's and Eurydice arrived here the 26th of November with the convoy from Cork for the different Islands, all of which have arrived here, except the Peace and Plenty of Belfast 200 tons burthen, James Hamilton master, which foundered on the Western Islands on the 30th of October, and only one man saved.

Captain Harvey, of the Convert, writes, from Gros Islet in the Island of St. Lucia, to General Christie, that he had seen twelve sail of the line go into Martinico on the 26th. *Carlisle Bay, Barbadoes, December 3, 1781.*

The Gros Islet schooner arrived here this morning from Captain Harvey, of his Majesty's ship Convert, at St. Lucia, where he is with four frigates, and encloses the state of the French fleet at Martinico, under M. de Grasse, which I transmit for their Lordships information by the Granville packet that sails this evening for England; deeming it highly necessary to communicate the knowledge of the enemy's strength in these seas.

The state of the French fleet in Fort Royal Bay, Martinico, on Friday the 30th of November, 1781, as taken by his Majesty's ship Triton, Captain JOHN M'LAURIN, Commander.

At half past noon, saw, lying at anchor,

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anchor, one or two three-decked, and twenty-three two-decked ships, with French colours flying; four of them had their top-masts down; two their top-masts struck; and two, one her fore, and the other her mizen top mast struck. One of them, with her top-masts down, appeared to have lost the head of her fore-mast; there was also one without a bowsprit; besides two which appeared to be hauled up in the Carenage. The whole number plainly discovered was twenty-eight ships of war, frigates included.

JOHN M'LAURIN.

The following is the Answer given by Lord STORMONT to Monsf. SIMOLIN, the Russian Minister, with respect to the Mediation offered by the Empress between Great Britain and the United Provinces :

The alliance which has subsisted so many years between Great Britain and the States General has always been considered by his Majesty as a tie, formed by the most natural causes, and not only agreeable to the interest of both nations, but absolutely essential to their mutual welfare.

The King has done every thing in his power to preserve this tie unbroken, and even to strengthen it; and if the conduct of their High Mightinesses had at all replied to that of his Majesty, they would still have remained in their utmost force. But since the commencement of the present troubles, the only return made by the republic to the constant friendship, has been the total relinquishment of the principles of an alliance, the prime object of which was the mutual defence of the two nations; an obstinate refusal to fulfil the most sacred obligations; a daily violation of the most solemn treaties; an assistance given to the very enemy, against whom he had a right to demand succour; an asylum granted to

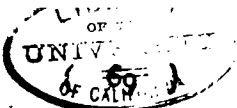
the American pirates in the Dutch ports, in open violation of the clearest stipulations; and to complete the whole, a denial of justice and satisfaction for the affront given to the dignity of the King, by a secret league with his rebellious subjects.

All these accumulated injuries rendered it impossible for the King to take any other part than that which he has done.

When the motives which rendered this rupture inevitable were explained to the public, the King ascribed the conduct of the Republic to the true cause;—that is to say, to the unhappy influence of a faction, which sacrificed the interest of the nation to their own private views. But the King, at the same time, manifested the most sincere desire to bring back the Republic to that system of strict union, efficacious alliance, and reciprocal protection, which has so much contributed to the welfare and glory of the two states.

When the Empress offered her good offices to effect a reconciliation by a particular peace, the King testified his gratitude to her for that fresh proof of a *friendship which he values so highly*, and avoided exposing the mediation of her Majesty to the danger of a fruitless negotiation. He explained his reasons, which persuaded him, that in the present disposition of the Republic, governed by a faction, all reconciliation, during the war with France, would be merely superficial, and would afford an opportunity to the party which sways the Republic, to act as secret auxiliaries of all the King's enemies, under the mask of a pretended alliance with Great Britain.

But if there are any indications of a change in this disposition, if the powerful intervention of her Imperial Majesty should be able to effect any alteration, and induce the Republic to return to those principles *which the most*



most discerning part of the nation have never forsaken, his Majesty will be ready to treat with their High Mightinesses on the subject of a separate peace; and it is his wish, that the Empress of *All the Russias* may be the sole mediatrix of this peace. She has been the first to offer her good offices, and so powerful an intervention as her's, cannot gain any thing either in weight or influence by the accession of the most respectable allies.

The friendship of the Empress to both nations, the interest which her Empire has in their reciprocal welfare, her known impartiality, and elevated views, are sufficient pledges of the manner in which she will conduct this salutary work, and in a negotiation, the whole object of which is to terminate a war, caused by a violation of the treaties, and by *an affront offered to his Crown*; his Majesty relies, with the utmost confidence and satisfaction, upon the mediation of a Sovereign, who holds sacred the faith of treaties, who knows so well how to estimate the dignity of Sovereigns, and who has maintained her own, during her glorious reign, with so much greatness and resolution.

(Signed)

STORMONT.

The following is the State Paper presented by Baron NOLKEN, the Swedish Minister, resident in London, concerning the intermediation of that Court between this country and the Dutch.

The King does not imagine it necessary, at this time, for him to enter into an explanation of the principles which have governed his conduct ever since he ascended the throne of his ancestors. He has been guided by the love of peace, and he could have wished to have seen all the other European powers enjoy that blessing, as uninterrupted as himself. These desires, dictated

by his natural sentiments of humanity, have not been fulfilled.—The flame of war, kindled in another hemisphere, has communicated to Europe; but the King still flattered himself, that this conflagration would not extend beyond its first bounds, and particularly a nation, *entirely commercial*, which had made *neutrality* the invariable foundation of its conduct, would not have been enveloped in it; *and yet, nevertheless, this has happened, almost in the very moment when that power had entered into the most inoffensive engagements with the King and his two northern allies.* If the most exact impartiality that was ever observed, could not exempt the King from immediately feeling the inconveniencies of war, by the considerable losses sustained by his commercial subjects, he had much greater reason to apprehend the consequences, when those troubles were going to be extended; when an open war between Great Britain and the republic of Holland multiplied them; and, to conclude, when neutral commerce was about to endure new shackles by the hostilities committed between those two powers. The King could not fail to perceive these evils, and to wish sincerely, that the measures taken by the Empress of Russia for extinguishing this new war, in its beginning, might be crowned with the most perfect success; but as this salutary work has not been brought to perfection, the King has resolved to join with his allies, the Empress of Russia, and the King of Denmark, in endeavouring to dispose his Britannic Majesty to listen to the pacific sentiments which their High Mightinesses the States General have already made known, by their consenting to open a negotiation for peace.

If such are the inclinations of that Monarch, which ought not to be doubted, it appears that a suspension of hostilities would be the most essential

sential prelude to their accomplishments, as military operations, accompanying a negociation of that nature, can only serve to embarrass and retard the matter, whilst the allied Courts wish for nothing more than to be able to accelerate it by every method that may tend to the advantage and satisfaction of the two belligerent powers.

In the sincerity and rectitude which animates his Majesty and his two allies, he cannot conceal the apprehension which he feels from the report of the continuation of the war, which may be productive of the most fatal consequence, and may revive a variety of controversies and disputes. This motive, and more particularly a desire to prevent a further effusion of blood, are considerations which ought to operate on the mind of the King of Great Britain; and in the entire confidence which his Majesty places in those circumstances, he would receive the truest satisfaction, if, by his interposition and mediation, joined to that of his allies, he should succeed in terminating the differences which have taken place between Great Britain and the United Provinces.

(Signed)

The BARON de NOLKEN.

The following is a Copy of the Answer given by Lord STORMONT, on the 18th of September, to the Baron de NOLKEN, the Swedish Envoy, to notify the King's acceptance of the Empress of Russia's mediation, and to refuse that of the Court of Sweden:

The preservation of public tranquility, has been the first object of his Majesty's care, during the whole course of his reign; the commencement of that reign was signalized by the restoration of peace.

The King made very great sacrifices to humanity, to procure that blessing, and he had reason to flatter

himself that, by such moderation, in the midst of victory, he should secure the public quiet, upon the most solid and durable foundations; but these hopes have all proved fallacious, and those foundations have been shaken by the ambitious politics of the Court of Versailles. This Court, after having secretly supported the rebellion kindled in America, openly joined his Majesty's rebellious subjects; and, on account of this violation of public faith, and this direct act of hostility, he commenced the present war.

The conduct of the Republic of Holland, through the whole course of the present war, has excited a *general indignation*.—This nation presents itself under a very different aspect from that of a nation merely commercial; it is a respectable power, for a long time bound to Great Britain by closest alliance. The principal object of that alliance was, their common safety, and expressly the mutual protection of each other against the ambitious designs of a dangerous neighbour, which their united efforts have so often defeated, to their reciprocal advantage, and to that of all Europe.

The desertion of all these principles of alliance, which the King, on his part constantly adhered to; an obstinate refusal to fulfil the most sacred engagement; a daily infraction of the most solemn treaties; assistance given to those very enemies, against whom he had a right to demand succour; an asylum and protection granted in the Dutch ports to the American pirates, in direct violation of the most clear and precise stipulations; and, to compleat the whole, a denial of justice and satisfaction for the affront offered to his Majesty's Crown, by a clandestine league entered into with his rebellious subjects; these accumulated causes of complaint, made it impossible for the King to take any other measures

measures than those which he has done, though with the most sincere regret. In explaining to the public the reasons which rendered this rupture inevitable, he ascribed the conduct of the republic to the true cause, namely, to the fatal influence of a faction, who sacrificed the national interest to their own private views; but the King expressed, at the same time, the most earnest desire to bring back the republic to that system of close union, efficacious alliance, and mutual protection, which has so much contributed to the prosperity and glory of the two states.

When the Empress of Russia tendered her good offices, to effect a reconciliation by a separate peace, the King, in expressing the gratitude which that fresh proof of a friendship which ever appeared to him so valuable, justly merited, declined exposing her Imperial Majesty to a fruitless negotiation; but *now that there are some marks of a change in the disposition of the Republic, some indications of a design to return to those principles, which the wisest part of the Batavian nation have never deserted,* a negotiation for a separate peace between the King and their High Mightinesses may be opened with some hopes of success, under the mediation of the Empress of all the Russias, who has been the first to propose her good offices in this salutary work.—If his Majesty did not immediately avail himself of that offer, it was because he had every reason to believe that the Republic only sought at that time to amuse him by an insidious negotiation; but the King would think that he made an ill return to the sentiments which prompted those first offers, and would be wanting of the regard so justly due to her Imperial Majesty, and to the confidence which she inspires, if he associated to her mediation any other, even that of an ally the most respectable, and for whom the King

entertains the most sincere friendship.

(Signed) STORMONT.

The following letters are said to have been intercepted in an American mail in Europe. They are copied from Rivington's New York Gazette.

Paris, May 14, 1781.

DEAR SIR,

I have not had the pleasure of any letters from you since my leaving America, so that though I have written several, am uncertain of any of them coming to your hand: you doubtless must be desirous to know the true state of affairs on this side the water, as I am to know how things really are on yours—the few letters I have received have been too short, and written with too much caution to give me the information I wish for, and the Americans who arrive, run into such extremes that I know not what to depend on. But a few weeks before the news of the defeat of Gen. Gates in Carolina, we were told by Mr. Searle, who arrived directly from Philadelphia, that the British were shut up, and in a manner besieged in Charles-town, that General Washington's army consisted of more than 20,000 men, &c. others gave an account very different: In short, nothing can be more contradictory than the accounts given by the different persons who arrive in France, of the state of affairs in America. I wish you could find time and a safe opportunity to send me the truth, and the whole truth; I assure you it would be of service, and tend to prevent the mischiefs which flow from false and exaggerated accounts transmitted from America, and which are repaid with interest in the account sent back to you of the state of affairs in Europe. The writers and relaters of false accounts on both sides the water, have done us infinite mischief. The war itself

itself was occasioned at first more by them than by any other, or perhaps every other cause taken together, and the continuance of it has been equally owing to them; and in the beginning of the contest, the friends of the British Ministry in America assured them that America would not persevere in its opposition, and our agents and correspondents in London encouraged us, by assuring us that the majority of the nation was in our favour; that Government would not go to extremities; that Parliament would, and must recede, for that the nation was unable to make war, and to support it for any time; thus false representations on both sides laid the foundation for the scenes which succeeded, and in which we are still involved; and a continuation of the same kind of wrong and groundless information has kept up the action of this great tragedy of errors. You have found so many of the accounts transmitted to you from Europe to have been groundless; and so many of the flattering encouragements and promises made you disappear and vanish into air, their original composition, that I presume you would now bear to hear the truth at large, if I dared to send it you; and though it is hardly safe for me to do it, I dare not send you any thing else. Great Britain is neither exhausted nor dispirited, as you have been taught to believe; the Parliament appear more unanimous and resolved in the prosecution of the war, than at any former period; and the warmest opposers of the Minister unite with him in refusing to accede to the independence of America. The British fleet is evidently superior at sea to that of our ally, and the former are preparing to augment it by more than thirty new ships of the line, and near forty frigates, actually on the stocks. The late subscription to the new loan shews, that money is not wanted, tho'

the national debt has become immense: this is their situation. The state of our friends has been as greatly misrepresented in America as that of our enemies. I will not enter into particulars, but I think you cannot rely on either men or ships from hence, until very late in this season, if at all. *Monf. de Grasse* has sailed with about twenty sail of the line for the West-Indies, from whence, it is said, he is ordered to America; but as *Admiral Rodney* has a fleet nearly equal in force in the islands, I see no prospect of any thing decisive; should such a manœuvre be made; and should it take place, the French fleet cannot be with you before August, or later, and in these seas the maritime force of contending powers appear too nearly balanced to expect any thing of importance from them this summer. I am fully of opinion, however, that England enters on this campaign with greater advantage than it has began any one since France joined in the war; and if they succeed in bringing the Emperor of Germany to interpose in their favour, I think the balance will be decidedly on their side. This will be known in a very short time, possibly before I send this letter. Our first object of the war was the repeal of those acts of parliament which were injurious to our rights and privileges; before this repeal was obtained, we were forced to declare independency, and solicit an alliance with France, the hereditary enemy of England—by a fortunate turn of our affairs, France was brought into an alliance with us, and to guaranty our independency; just at this time the Parliament of England repealed the obnoxious acts; this changed entirely the object of the war on our part, as well as on that of England; it was no longer for the redress of grievances, but for sovereignty that we fought. At the time in which France came into a treaty

treaty of alliance with us; their object was to separate America for ever from England, and thereby to weaken effectually a power which, for centuries past, had given them more uneasiness, and stood more in their way than any other power in Europe. From appearances they judged that by a sudden declaration, and vigorous exertions; the point would be gained in a very short time, and at little expence, either in men or money; that England would be brought to consent to the independence of America, after which every thing else would follow of course, and in its proper time, but the first stroke failed, the favourable moment was lost, and all the preparations which had been made for improving it, served only to shew England the danger it had been in, and to rouse the spirit of the nation to make the most vigorous exertions: From this period the object of the war became almost as much changed with France, as it had before been changed in America; at first, it was by a sudden stroke to force England to acknowledge our independence and separation from their empire, which being done, peace must have followed, and time would have soon effected the rest; but this failing, the original object was changed, or rather it was thought best to obtain it by taking a different line of conduct. England was loaded with debt, and was violently agitated by parties, the opposition to Ministers in Parliament and out, was formidable, and appeared more so than it really was, from the English freedom of speech in Parliament, and of publications out of it; America was not perfectly unanimous in any of its measures, except in the support generally of their independency, in this they appeared sufficiently unanimous, to prevent any fear of them falling off or accommodating.— Therefore what could not be gained

in one way, was to be attempted in another; the weakening of England was the primary and constant object, but the means for doing this were changed; it was, as I have already said at first, to be done by our being immediately established in independency, and the consequences which time would naturally produce; would effect every thing desired; but this failing through the same ostensible object, that of our independence has been held up to view, yet measures so very different have been pursued, that their first object, so far as it respects us, has become entirely changed, and the plan is now, as far as we can judge by appearance, to weaken England by spinning out the war, and of employing us against them; and after England is reduced by these means, *our independence may possibly be established.* I need not point out to a man of your superior penetration, the fatal mischiefs with which such a system is pregnant. Whilst England is at war with France and Spain united, we are left with more than one half of its land forces, and a considerable part of its marine on us; we may struggle hard, and behave manfully, but must be continually losing ground and strength, whilst France, our ally with Spain, may possibly hold a balance to the rest, without any material injury to themselves, though the fact is, they have not done even this hitherto. But supposing that England, in consequence of such a system, should, in two or three years, be reduced to receive the law from France and Spain, in what situation must America by that time be? And to what power can we look for relief, if France or Spain, or both, should offer to dictate the laws to us? Though this may not be the case, yet nothing is more evident than that the present object of France and Spain is to employ and waste the forces of Britain, at the expence

of America. Evident as this must be to every one who impartially reviews the past, and compares it with the present, we are unwilling to see or believe it, and are prevented from the examination by fair promises, generous professions, and just so much and no more assistance as will serve us to keep from sinking at once, or flying off to the other side. In the mean time you must observe, that Spain has, from the first, refused to know any thing of us, thereby holding it in its power to declare for or against us, or to insist on any conditions whatever an interest may dictate, whilst America is bound by a secret article of the treaty of Paris, of Feb. 6, 1778, to make a similar one with Spain whenever required; yet, though this article was obtained from the American Commissioners at the signing of the treaty at Paris, and though Spain has been now for two years engaged in the war, yet that Court still refuses to acknowledge us, or to receive our Ambassador, through the President of Congress. I will not enter further on the important, and to me, painful subject. I have already said enough to a man of your penetration and judgment, and have no need to go into a particular and minute discussion; I will therefore finish my letter on more private matters; you must recollect the many and long conversations we had, on the subject of a settlement on the Mississippi, near the Illinois, or on some other part of that fertile western country: When I left America, I intended to have made some attempt at least, to interest some gentlemen in Europe in the scheme, but the unfavourable appearance of American affairs, and the uncertainty how the war may terminate, have prevented me from saying any thing on the subject.—I have not, however, lost sight of it, and if you continue in the same sentiments as formerly, it will be well

to turn your thoughts that way.—I can see no prospect of our being so happy, or of doing something to repair the injuries we have done ourselves and families in point of fortune as by such an establishment.—If we return to our dependence on Great Britain, it will not probably be with unanimity; and parties, animosities and bickerings between the two governments, and even between individuals, will probably exist longer than we shall, and render the remainder of our lives disagreeable.—On the other hand, if our independence is established, the jarring interests of the different states will be such, and so many grounds for disputes are already laid, that we shall be happy even to escape for any time the going into a civil war among ourselves; by retiring westward, which we may do, let the event of the war turn either way, we may escape those disagreeable scenes, which await our country, and enjoy more satisfaction, as well as find our account much better, in settling a new colony, than in mixing in the feuds and factions of old ones; if indeed the report is true, that Congress have offered to cede Louisiana, and the navigation of the Mississippi exclusively to Spain, I confess I know not how this can be done, if they accept of it, and America becomes independent on such cruel terms, but I can hardly conceive it possible that such an idea could have entered the head of the weakest and maddest of our politicians. I cannot expect that you can have leisure to send me any digested plan on this subject, but I pray you not to be sparing of general hints, of the grounds and principles on which you would wish to have one formed; and when you write send duplicates, that some one may reach me; address your letter under cover, to Dr. Franklin, who will know where to forward them. I have nearly finished

ed a third sheet, and have not the courage to begin a fourth, though in writing to you, I enjoy in some degree the pleasure of conversing with you, of which you know I am not easily tired; but I will write again in a few days, and in the mean time, wishing you all which one friend can wish or desire for another,

I am most sincerely, Dear Sir,
your most obedient, and very
humble servant,

SILAS DEANE.

Samuel H. Parsons, Esq. Brigadier-general in the service of the United States, America.

Paris, 10th June, 1781,

DEAR SIR,

The dangerous crisis to which our affairs are rapidly advancing affects me greatly—I can speak of nothing else with attention when in company, it excludes every thing else from my thoughts when alone, we have been deceived, and that principally by ourselves; we have deceived others unintentionally, I charitably believe, The British nation has fallen into errors equally great; would to God this great tragedy of errors could have a happy catastrophe! It is in vain to blame our public managers, but it is wise in us to examine our present situation, and to weigh the probability of future consequences. Experience has shewn us that France is either unable or unwilling to assist us effectually, so as to drive the British force out of our country; judging from appearances here I might conclude, that France is unwilling, as appearances warrant such a conclusion, but when the conduct of men, or of a nation, is capable of two constructions, I would willingly adopt the most favourable—I know the inability of the nation to assist us effectually, and they say, they are not unwilling. I ought to believe

them, though I know it is certainly inconsistent with their interest, and with the safety of their foreign possessions, to remove the war from our continent. But to which ever of these causes we impute the continuance of the war in our country, the consequences will be found equally pernicious to us.—Great Britain is determined in no circumstances to admit the independence of America, and so long as both parties remain inflexible, we shall continue to weaken, exhaust, and ruin each other, and who will eventually be the gainers. It is, I think time ***** for to enquire how our account will stand on a close. Let the contest close when or in what manner it may—Will independent sovereignty in the hands of a democracy, be a government under which our persons and properties will be better secured than they were before this unhappy contested with Great Britain? This I know is generally believed, it is even relied on as a principal source from which we shall reimburse our present expences—The subject however merits an examination. If the restraints formerly laid on our trade were overbalanced by the protection and encouragement given to it. If in a state of independence, that protection and encouragement must necessarily be withdrawn, and our commerce with Great Britain and its possessions become subject to all the duties and prohibitions laid on the commerce of her aliens and strangers. If our commerce with France and other foreign nations, must be subject to the conditions and restraints which they shall see fit to impose, as must be the case, it deserves enquiry whether we in our commerce shall become gainers or not. I have examined the question as thoroughly as I am capable, and am convinced we must be losers. We complained of England for including America in

the Navigation Act, and other acts of trade; but if the naval force of that nation rose in consequence of those acts, into a power sufficient to protect the trade of the whole empire; if the trade of America was protected thereby, could it be unreasonable that the trade of America should submit to those acts and regulations which were the source of its protection and security? We complained that acts of parliament prohibited us from carrying certain articles of our produce to foreign markets, and thereby give England a monopoly, advantageous to her and injurious to us: but it must at the same time be acknowledged, that British subjects were restrained from purchasing and importing the same articles from other countries; so that if England made a monopoly of certain articles of our produce, she gave us in return a monopoly of her market, and the liberty of re-exporting our goods if a better market afforded elsewhere; in this the advantage lay evidently with us; a great part of the articles thus monopolized by England were such as could have been and were formerly supplied by foreigners at as low or lower rates than we could afford them. But the system of Great Britain being as you know to promote the commerce of her own empire in every part of it, not only restraints and duties were laid on foreign importations, but bounties given to encourage the growth and importation of many of our productions, which otherwise would not have found their way to Europe; another complaint was, that we were prohibited the taking from foreigners, articles which we wanted, though not the growth or fabric of England; but it is well known that those articles, concerning which so much has been said, formed but a very inconsiderable part of our commerce. Every one who has had an oppor-

tunity of comparing the manufactures of one nation in Europe with another, and of observing the different modes and principles of transacting business, will at once give England and her merchants the preference. All the more solid, substantial and useful articles are made better, and afforded cheaper than any where else, certain linens from Russia and Silesia excepted—and even those, as well as the less important foreign articles, came to us, considering the drawbacks in England on exportation, nearly, if not quite as cheap, as we could have imported them directly. But it has been also objected that foreigners were not admitted to bring their produce and merchandize into our ports, and trade with us; of all the complaints made by us on the subject of commerce, this appears to me the most absurd and groundless. The exclusion of foreigners from being the carriers for England, is the corner stone in which its commerce and maritime power arose, and the principal cause of the increase of our commerce and navigation; and if ever we should be independent and at peace, and should neglect to pass acts to exclude foreigners from being our carriers, we shall never be either a maritime or commercial nation.

The parliamentary regulations and restrictions on our commerce, were a principal cause of the unhappy contest between the two countries, and we were impatient under them, because we were apprehensive they were part of a system to enslave us entirely, and thus thinking, it was natural that we should exaggerate their hardships, and in all our deliberations on the subject, turn our attention to the restraint laid on trade, without considering the encouragement and protection given to it; I do not mean to call in question the views or designs of any one at that period. I believe that others,

as well as myself, had at that time but partially examined the subject, and in truth we know that too many of our leading patriots had little or no knowledge of commerce, its interests, and dependencies. I confess, that, on a more extensive view and impartial examination of the subject, I think it evident that the restrictions which were laid on our commerce previous to the present dispute were over-balanced by the protection, and various encouragements afforded to it by Great Britain. But supposing that at the close of the war, America remain independent, what must be the future situation of our commerce?—Will independency, at the restoration of peace, give to commerce such a spring, procure for it such new sources and encouragements as are necessary, not only to revive it from the ruined state in which it now is, but to raise it still higher than it has been at any former period? Or will independency prove prejudicial to the commerce of America? This is a serious question, and the importance of it must apologize for the length of my letter. I know that I am writing to the first commercial character in America; but I also know your candour and love of truth, and therefore I venture to communicate to you my thoughts on this subject, which, if just, you will approve, if erroneous, you will correct. America left at liberty will, I am persuaded, take, at the least, three-fourths of all the European articles she wants, from Great Britain. The superiority of the British manufactures, their conformity to our taste and habits, the generosity and strict punctuality of her merchants, and, above all, the credit which they can give, and which no other nation can or will give, must secure to that nation as great a share of our trade as I have mentioned.—But how are we to pay for those

purchases? Whilst we were part of the empire, Great Britain gave a preference to our iron, naval stores, pot-ash, flax seed, &c. &c. and encouraged the importation of them by bounties, and by laying heavy duties on the same article from foreign nations. This will no longer be the case; we have no reason to expect to be ever amongst the most favoured foreign nations in the British ports. We have imagined that Great Britain could not support its commerce and manufactures without our productions, and without our markets, for a consumption of theirs. This has been asserted in harangues and publications, many thousand times within these seven years past; I confess that I once believed it; but observation and experience have convinced me that we have been greatly mistaken. Of all the articles furnished by us to Great Britain, I know but two, tobacco and rice, which cannot be obtained as good and as cheap from other countries. The consumption of rice in Great Britain is very inconsiderable; and that of tobacco does not exceed 20,000 hogheads annually, on an average. Other countries indeed can produce both these articles at as low a price as America can; but the preference given to them from America by Great Britain, has formerly prevented their being cultivated to any extent. It is well known that the island of Cuba, the coast of Brazil, and many other countries, produce tobacco of a superior quality to ours. That the Ukraine is capable of supplying all Europe with that article; its cultivation, it is true, is not yet carried to perfection there; but as it is, Russia at this time exports large quantities of tobacco to France, and to other nations. The same may be said of many other countries respecting rice. Indigo is produced in the southern parts of America, and in the

the islands every way superior to ours. The productions of Russia, Denmark, Sweden, &c. are the same with ours, and in exchange for them, those kingdoms take the same kind of merchandize from England as we formerly took; at best therefore we shall meet with rivals in the British markets on our arrival with our produce, and rivals in the purchases we wish to make there. But we are supposed to be independent, and can therefore go where we please; but we cannot find purchasers where we please, and the nations among whom we find them may lay what impositions they please on our sales. The northern powers in Europe cannot become purchasers; for they have the same articles to sell. France wants but a very small part of our productions; it wants neither our iron, pot-ash, flax-seed, fish, oil, or, in short, scarcely any thing, except about 24,000 hog-sheads of our tobacco annually, our timber and naval stores; and for the two latter articles, we shall find the same rivals in the ports of France as in England, and, in regard to them, the most important articles of all, the cultivation of it advances so rapidly in Flanders, and in the Ukraine, that those countries will soon rival us in the quality of their tobacco, and, from the cheapness of labour, be able at all times to undersell us in France, and in all the northern ports in Europe. We have no promise of a preference in the market of France, nor the least ground to expect it. Spain and Portugal, it is true, may want our flour and our fish, if, contrary to all appearance, we should have any; but they will want little or nothing else, and our trade, be it whatever it may, to the southern parts of Europe, and into the Mediterranean, must at all times be exposed to the Corsairs of Barbary. Those piratical states, who pay little or no respect to the flags of

the first maritime nations in Europe, further than they are paid for it, will hardly pay any to the flag of a nation they have scarcely so much as heard of, and of which, if they come to know any thing, they will know that they can in no case have any thing to hope or fear from.

We have protested against the African trade, but if we relax or rescind our resolutions on that subject, without a marine to protect our commerce there, and without either forts or factories on the coast, we can have no share of it.—We cannot flatter ourselves that we shall be able to reduce either Nova Scotia or Newfoundland, Canada, or the Floridas; and if Great-Britain be obliged, at the close of the war, to submit to the loss of thirteen colonies, it is natural to suppose she will exert herself to make the most of those which are left her.—We neither have nor wish for possessions in the West-Indies. We formerly had a great and encreasing trade there, but how much of it shall we retain as an independent nation? If any part of the globe be dependent on us for our produce, it must be the West-Indies. Five years ago we rated our importance so high as to believe, that from a suspension of trade with us, all the manufacturing towns in England would rise, or at least clamour loudly in our favour, through the want of employment; that Ireland would be ruined, only for the want of our flax-seed; and that the British West-Indies must perish by famine from the want of our productions.—But the experience of six years ought certainly to correct such erroneous ideas of our own importance, or we must have been incorrigible even by experience itself. Not one manufacturing town in Great-Britain has complained for want of employ; Ireland has been supplied with flax-seed at as cheap, or cheaper rate than formerly, and has found sufficient

cient markets for her linen. The West-Indies may have suffered but little diminution. These facts ought to convince us, that the world is not so dependent on us as we have imagined, and by pursuing our inquiries we shall find that we are as much, or more dependent on our neighbours, than they are on us. I am not writing to one who declaims against luxury, without any conception of its effects, nor to one of those who talk a great deal about commerce, and of its benefits, or of its disservices to a country, without having the least idea of its nature, or of the extent of its influence and power: I therefore may, without reasoning on the subject, venture to say, that the productions of the West-Indies are essentially necessary to us, and that we can do no better without their sugar, coffee, cocoa, cotton, &c. &c. than they without our flour, beef, lumber, &c. &c. Formerly as British subjects, we had the right of supplying the British islands with whatever they wanted, and taking in exchange whatever they had to dispose of. We paid no more duties than our other fellow-subjects paid, either upon importation or exportation. We had a right of carrying to the French, Dutch, and other foreign possessions in the West-Indies, all our productions, tobacco excepted, and of receiving in exchange from them whatever they could afford, rum and a few other articles excepted. The articles we received from them were, indeed, subject to a certain duty on importation into America. But how was it then, and how is it now with the French, Dutch, and other foreigners, as to our commerce with their West-India possessions? It is true we were admitted into their ports, but our flour was a prohibited article, and only admitted openly in times of scarcity. Many principal articles of our produce were in the same predicament.

France, by prohibiting our flour into her islands, shews that she was in no fear of starving without supplies from us. But what articles of their produce were we permitted to purchase and export openly in exchange? Molasses, or the wretched liquor which they distilled from it only; all others, such as coffee, cotton, sugar, indigo, &c. we brought away as by stealth, and by the purchased connivance of their officers. Has France bound herself by treaty to give us more freedom of trade with her islands than formerly? By no means. We are to be treated as the most favoured nation is treated; and the subjects of the most favoured nation were never better treated than the manner I have described. The favourite article of my countrymen, molasses, the only one of any importance, which we were at liberty to import from the French islands, was taken care of by Congress, in their first proposals to France for a treaty. I saw the importance of it at that time, and flattered myself we had secured it, without any real sacrifice on our part, but Congress afterwards thought differently, and gave it up. We have not, therefore, at this day, any security even for this single article. Every thing rests on the general and vague terms of *reciprocally*, and of *being treated in the same way, and in the same manner as any, even the most favourite nation shall be treated*. But it may be said, that the necessity in which the islands may be for our produce, will at all times bring them to our terms, or at least to just and reasonable ones. Let us examine the subject attentively. The French islands can be under no necessity of taking from us flour, or salted provisions of any kind; on the contrary, it is the policy of France to prohibit them from doing it, if so disposed; for by supplying her islands with flour of her own growth and manufacture, and

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with all kinds of salted provisions purchased in Europe with her brandies, wines, &c. she encourages the agriculture and commerce of her subjects in Europe, which is a prime object with every wise nation; as to fresh provisions, her windward islands only can ever be in want of them, and, at most, the demand is inconsiderable collectively, and the business of supplying never was, in the best of times, a profitable branch of commerce; Great-Britain in possession of Canada, Nova-Scotia, and the Floridas, can from those colonies supply her islands with every thing they want, at as low or lower rate that we can; wheat, flour, pork, beef, horses, &c. have for many years since, and before the war, been cheaper in Canada than with us, and West-India goods of every kind have been dearer; Great-Britain therefore naturally must and will shut her ports against us as a foreign independent nation; her islands will want nothing from us which they cannot be supplied with from her own colonies on the continent, and those islands produce nothing which is not wanted either in Great-Britain or in those colonies; good policy must therefore lead her totally to exclude us from all trade with them. Our commerce in this most important branch of it, must therefore be confined to the supplying the French, Dutch, and other foreign islands and settlements, with such articles as they will consent to take from us, and receive in return molasses (openly so long as they shall think proper to afford it to us free of duty) and such other productions as they may be pleased to connive at our smuggling. Thus, in Europe, we shall be either excluded from our ancient and certain markets, or at least rivalled in them, and we shall have no certainty of new ones, nor any security against heavy duties and impositions in such as we may be able

to obtain. New channels have been opened for supplying Great-Britain with the commodities we formerly furnished to that nation, and for consuming the manufactures we formerly took from her. It was the interest and policy of Great-Britain to promote our commerce and fisheries, whilst we were part of the empire; accordingly she encouraged our ship-building by the purchase of our ships, or by giving them freights; but being independent, the reverse will become both her interest and policy towards us; her ports will be entirely shut against us in the West-Indies for the reasons already given, and our commerce in that important branch confined, as I have shewn, to the furnishing the French, Dutch, and other foreign settlements, with such articles as they may chuse to receive, and under such conditions as they shall see fit to impose, and in return they will give us molasses, if they please, free of duty. But their sugar, coffee, cotton, &c. will ever remain prohibited articles so long as those nations are interested to make a monopoly of these articles in Europe, both on account of commerce and revenue; and it is impossible they can be interested to do otherwise. When France was in possession of Canada, Louisbourg, &c. the government did not permit those colonies to receive sugar, coffee, or any of the productions of those islands directly from them, but obliged those colonies to take them from France, charged with double freights, duties, &c. and can we expect that France will do for us what she ever refused to do for her own subjects? That she will grant us privileges which she never granted to any other nation? Can we expect that Great-Britain, resentful on account of her losses, and desirous of encouraging the colonies which may remain to her in America, and which will be able to supply her islands with every thing; can

can we expect that she will permit us to trade with those islands on any terms? It is repugnant to common sense to suppose it. Congress, you may remember, spent some months in debate about the fisheries, they acted the parts of the hunters, who quarrelled about the bear-skin—for England in the mean time drove our allies, as well as us, entirely out of them; nor can France regain any interest in the fisheries, but by the sacrifice of some advantage which she has, or may hereafter gain.—But how are we to come in for any share in them? It will be to no purpose to plead that our local situation gives us a natural right to participate, and that we enjoyed that right from our first settlement, &c.—We enjoyed it is true, that right with many others, as subjects and part of the British empire, but we have separated from it and appealed to the sword; the sword has decided against us on that subject, and shall we at the peace have any thing to give or restore to Great Britain, equal to the purchase of what that nation is almost as jealous of as Spain is of her mines? Will France after having regained a share in the fisheries for herself, go still farther to obtain an interest in them for us? Look into the treaty between us, and you will find that France and we acted a little like the hunters I have referred to, in the division of Newfoundland and the fisheries; but it was made on condition of a conquest of them by either or both of us; that failing, France is under no obligation to guarantee any part of them to us; and what puts the matter out of all question is, that it is not for their interest that America have any share in the fisheries.—Deprived of these, and of almost all the West-India trade, wholly excluded from that of Africa, as well as from the benefit of selling our iron, pot-ash, flax-seed, timber, naval stores, indigo, &c. advan-

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tageously in Great Britain and Ireland, and few or no markets opened for those commodities, what resources will be left for our commerce? No nation in Europe will give a suitable price for our indigo, Ireland is supplied with flax-seed and lumber from the North, at a lower rate than we can afford to sell them at; Sweden and Russia can at all times undersell us, in the articles of iron, timber, ships, naval stores of every kind, pot-ash, &c. The bounties on tar, turpentine, &c. being taken off, we cannot send those articles to Europe, without an insupportable loss, and we cannot expect that any nation (like England) will give us bounties on those articles. In taking a view of the West-India commerce, I have said nothing in particular of the Spanish, Portuguese, or Danish settlements in America. I think you will agree with me, that as the two former have ever been, and most probably will remain shut against all strangers, nothing can be expected from thence; and that as to the latter, they are too inconsiderable to merit particular attention, even were they not nearly in the same predicament with those of France and Holland, which you know them in truth to be.

These external difficulties appear to me to be of themselves insurmountable, but they are not all we shall have to encounter, if we should, contrary to all probability, continue independent. Without a marine force, our commerce will be every where exposed to imposition and insult, and we shall not probably be able to support a marine.—In truth, neither our friends, nor our foes, can wish to see us a maritime power. But there will arise at the peace, and in a state of independency, other embarrassments and burdens on our commerce. Our national debt, considering our ability, will be immense, and we shall not easily agree

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in apportioning of it, to the several states. This, and a multitude of other causes for dispute, are so certain, and so likely to be productive, that it will be miraculous, if we can avoid a civil war with each other, as soon as we shall be freed from foreign enemies. Heavy taxes must at least be paid to even the interest of our public debts in the exhausted state in which the peace will find us. We cannot think of lessening the principal until the Continent shall have had some time to recover itself. But the interest of our public debt, and the expences of Government in each state, will (though they must prove heavy) not be the whole of our burthens. The civil list of Congress, including the expences of their foreign Ministers, Consuls, &c. will exceed all our former expences, public and private, under our ancient Government.—Commerce therefore will necessarily become the subject of heavy taxes, because the landholders, who are naturally jealous of commerce, and not the merchants, will predominate in making our laws, and imposing our taxes; a large share of the taxes must, however, fall on the landholder, which will oblige him to raise the price of his productions, and this with the taxes on trade, will encrease it to such a height, that we shall find no market in which we shall not be underfold by foreigners. You, who are perfectly acquainted with the disposition of those who form the Congress and the Assemblies of the different States, know that is very far from being favourable to commerce; their views are so contracted, that they never have seen that agriculture and commerce mutually depend on, and support each other. The resolutions of Congress, in almost every instance, demonstrate their ignorance of the principles and effects of commerce; the non-exportation agreement (for

which I must blame myself as well as others) was a fatal measure; it laid the ax to the root of our commerce, and our agriculture fell with it; that resolution shews what extravagant ideas we then had of our importance, we flattered ourselves, that by shutting our ports, we should distress Great Britain and Ireland, and starve the West Indies, so far as to effect our purposes; but the operation of that resolve well nigh starved our army, and the poorer people, and brought distress to the doors of every order. Unhappily but too many of our leaders are still buoyed up with the same wild and groundless ideas, and when I heard men, reputed as the wisest and most enlightened of American patriots, advance, that commerce is rather injurious than beneficial, and that it would be better to have foreigners who want our produce, to come and purchase it, than for us to carry it to them. That the whole attention of America, as an independent nation, should be turned to agriculture, and the manufacturing of articles of the first necessity.—When I heard such doctrines advanced, and by men whom America has been taught to look up to with reverence, and reviewing at the same time the other circumstances which I have touched on, I became doubtful, whether our commerce would not suffer as greatly from internal checks and embarrassments as from external ones.—But, my dear friend, we are very far from the peaceable establishment of independency, so far, that I candidly tell you, that I think there is not any probability of its ever taking place, at least in our day. The nations of Europe, France excepted, are all of them against it, and none more so than Spain; France becomes every day more indifferent to it, but so long as we can be made their instruments for humbling Great Britain, Spain will temporize, and

and France will appear to be in earnest on the subject; we are certainly the cheapest instruments they can find to employ full one half of the forces of Great Britain; forces, which if left at liberty to fall on their foreign possessions, would soon reduce them to the state they were in in 1762. But how dearly do we pay for the services we are performing.

The powers of Europe, hitherto neuter, appear at this time far from being indifferent to the fate of Great Britain; should any of them take part with her, the war will assume a different appearance, and our fate will become from that moment determined. I think there is a probability of such an event taking place soon, but my wish and prayer is for peace, and the re-establishment of America in her original rights. The present moment is unquestionably the most important America has ever seen, we are now of more weight in the general scale than we can possibly expect to be hereafter; should the Powers of Europe once agree on the terms of peace, our assent will hardly be asked, and we should find it necessary to acquiesce in the terms imposed on us.—The present opportunity ought therefore to be improved; England, it is true, has a formidable league at this time against her, but we find in ancient as well as modern times, that nations less able to resist, have been successful, against leagues still more formidable; I do not indeed recollect any one league that ever came off victorious over the single power leagued against. The cause is in the nature of men and nations; it must therefore still exist in a certain degree, and I know not why it should not even in its full force.—You will call this a political letter, against which we have often protested, I intended it only as a commercial one, but I could not ex-

amine the future probable state of our commerce under independency, without entering on politics. I have tired you so effectually by this time, that I will take my leave without ceremony; it is now to beg that you will make my most respectful compliments to Mrs. Morris, and to assure you that I am ever with the most sincere esteem and attachment,

Dear Sir, your most obedient, and very humble servant,

S. DEANE.

Hon. Robert Morris, Esq. Philadelphia.

Paris, June 13, 1781.

DEAR SIR,

The appointment of an Ambassador to the Empress of Russia, has led me to make some serious reflections on the idea which Congress entertain of their own importance in the commercial and political world; they appear to be persuaded that every nation in Europe, England excepted, are interested to have us independent, and though they have been told the contrary by every power they have applied to, except France, yet the flattering delusion continues and a minister extraordinary has been sent to Russia. The fact is, that there is not one power in Europe, except France, interested in having us independent, and by much the greater part are interested against us; the Emperor of Germany, and King of Prussia, not being commercial powers, can be very little affected either way; Holland and all the Northern powers, are naturally interested against us; their productions and ours are the same in every article, indigo and rice only excepted; Russia raises tobacco for its own consumption, and begins to export large quantities to its neighbours; the two great sources of the Dutch wealth, are their fisheries and their freights for other nations, in both these America must soon interfere with them;

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the New Englanders began to rival them in those branches of business before the war; if we look Southward, Portugal owes its existence as an independent kingdom to England; were England once so reduced as to receive the law from France and Spain, Portugal would instantly become annexed to the latter; the wealth of Spain lies in its islands in the West-Indies, and in its provinces on the Continent; can Spain wish to see a mighty independent empire of confederate republics, established in the neighbourhood of all its treasures? It is to the last degree absurd to suppose that Court can be so blind to the consequences which must soon result from such an event; whilst we continue dependent on Great-Britain, and under its controul, Spain will have nothing to dread so long as it continues to be on good terms with the Court of London, and the European connections and alliances of Spain, will serve to prevent that court from wantonly breaking with Spain; but North America, freed from all European controul, will be at liberty to break with Spain at any time, without disturbing the peace of Europe, or interesting any of its powers in the quarrel; the family connection between the Courts of France and Spain, and the desire of revenge for her former losses, have led Spain into a war, but it is evident that the Court of Spain will not, on any consideration, make the war a common cause with us.—America out of the question, Great-Britain is greatly superior to France and Spain united; this France and Spain are sensible of, and therefore give us good words and encourage us on, that England may be weakened by our expence: France has acted openly, it is true, but the assistance afforded us from time to time has been calculated, not to drive the British forces from the Continent, but to

keep us from accommodating, and to employ their enemy within us. Spain has given us a trifling aid in money, but in the most secret manner, more like a bribe than a subsidy. The other Southern powers are not in any respect interested in our dependence or independence, but are perfectly indifferent as to either, nor if they should interest themselves, would it be of the least consequence? But you may say, France having valuable possessions in the West-Indies, ought on the general principle which I have advanced, to fear the consequences of our independence.—Not at all.—The possessions of France from their being islands, can have nothing to apprehend from the independent sovereignty of the United States.—France will, at all times, have a fleet sufficient to protect them, and it can never be our interest to have any other concern with them, than in the way of commerce; but our position with respect to Spain is different.—Nothing but a river will separate us, and the contrariety of our dispositions, manners, and habits, are such, that it is impossible, if left to ourselves, that we should live for any time in peace with each other. Congress, to induce Spain to declare and act openly, have offered to cede the two Floridas. It is really no great act of generosity to offer what is not our's, but suppose Spain accepts and gets possession of them, we shall thereby become still nearer our neighbours, and quarrel so much the sooner.—Spain is not, however, or appears not to be contented with this offer, insinuates that Louisiana ought to be thrown into the scale, on condition of her guaranteeing our independence. It is but too probable that Congress will not even refuse this, if they are persuaded that their independent sovereignty cannot be established on easier terms. But no man of sense and knowledge in these affairs can
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imagine that Spain is serious in this demand, or that that Court means any thing else, by it, than to gain time.—Spain cannot be ignorant that from the day in which we became peaceably established in Independent Sovereignty, she must look forward to the loss of all her southern provinces as an event certain, and not very distant; and she must know, that though she obtain Louisiana, yet the Allegani, or Western Mountain, will be as insufficient a barrier between us, as the Mississippi.—I must tell you, that our independence is spoke of in a very different stile here, from what it was three years since; it is not viewed here in the light in which Congress speak of it, when they say it is as fixed as fate (or, if they mean any thing) as certain as those eternal laws of nature, which omnipotence itself cannot alter; on the consequences of American independence, are also estimated very different from what they were formerly in France.—Experience has shewn that our attachment to the English manners, customs, and to their manufactures, is such, that if independent, and at liberty to trade where we please, England will have the preference. Almost every American who arrives in France is impatient to get over to England; and the severe laws you are passing on that subject may prevent their ever returning to America, during the war at least; but it will not prevent their going over. The laws ordering confiscation, &c. demonstrate more fully than any direct language is capable of, the predilection of Americans for England. France, though at war with England, permits her subjects to go to London openly, and when they please, they taking out passports; and not a week passes but some of the citizens of Paris go over to London; and there are now more than four times the English goods consumed in this city

than there were before the war. The better sort of people here, both at court and in the city, are now become mad, as I may say, after every thing that is English; and even the ribbons worn by the ladies at court are in a great part from English looms.

I have been told that Monsieur Luzern remonstrated to Congress against our trading with England, or purchasing and importing its manufactures, and that those laws have passed in compliance with his remonstrances and requests; I am unwilling to believe it; for, if true, we are become, and that voluntarily, greater slaves to France than its own subjects are. On whatever ground the laws have been passed, I venture to predict, that not any one good effect will be produced by them, but the contrary.—A little time will shew what success Mr. Dana meets with at Russia; but if he meets with any at all, I am greatly mistaken.—I know of no power in Europe, Portugal only excepted, that is naturally and necessarily more in the English interest than Russia.—I heard that your spirits were greatly raised on hearing of England against Holland; I expected it would be the case, though every thing considered, there is not the least ground for encouragement from that event, but the contrary.—It is now more than four months since England commenced hostilities, yet the Dutch have made no reprisals, nor are they prepared to make any at this time. Nearly one half of the Republic are violently against a war with England on any consideration whatever.—The views of England in declaring, were to exclude Holland from the armed neutrality, to dissolve at once a confederacy, which at best could not have lasted any time, and to deprive France and Spain of their naval supplies, furnished by the Dutch, and the French islands of provisions by the

the same channels.—The purpose has been effected; Russia offers to meditate, but refuses to take part with Holland; Denmark has in effect long since deserted the confederation, and the armed neutrality, on which I never built any hopes, is come to nothing.

Before the arrival of Mr. Laurens, junior, France gave Dr. Franklin six millions of livres, for the current year, it has since added four more, and, as it is said, has engaged to be our security for ten millions of livres in Holland, if to be borrowed at four per cent. You will be told, therefore, of twenty millions, and may possibly receive that sum; but will that do more than prolong the war another year?—Without a fleet superior to that of England, nothing can be done to any purpose, as to finishing the war. I wish I could give you a more favourable account of affairs here, and such as you wish to receive and credit; but I cannot do it consistent with truth; and though you are misinformed as to the face of affairs in Europe by men who are ignorant of them, and who are resolved, at all hazards, to write what they know you wish to believe, yet this will not justify my doing the same. In a word, my friend, nothing short of peace can save our country from ruin and slavery; and whatever you may think in America, I am convinced that the terms offered by Great-Britain afforded a good room to open a treaty on, and ought not to be rejected. This will not perhaps be a popular doctrine at present, but it must be sooner or later: for me, I have freely opened my mind to you; and though you may differ in sentiment, you will not, I trust, condemn the motive for my having done it. I have long since had my accounts ready for settlement, and have been waiting here for six months past, on heavy expence, unable to get them audited; Mr. Johnson nominated by Congress as

auditor, refused from the first to act, and Congress have not names any other: thus I am kept out of my money in a cruel and unprecedented manner; but I will not add on the subject at this time.

My compliments to all friends, and be assured, that I am with the most respect and friendship, dear Sir,
your most obedient,
and very humble servant,

SILAS DEANE.

*Jeremiah Wadsworth,
Hartford, Connecticut.*

*Letter from Mr. SILAS DEANE, dated
Paris, June 14, to Colonel DUER,
at Philadelphia.*

Paris, 14th June, 1781.

DEAR SIR,

There has been lately published in the English and Dutch Gazettes, a resolution of Congress, of March last, tending to forbid all intercourse between the inhabitants of America and Great Britain, or on any account or in any circumstance whatever; and it is credibly reported that all British goods, however the property of them may have been acquired, (capture excepted) are declared to be contraband and liable to be confiscated, and that an American in Europe, or the West Indies, who purchases goods of British growth or manufacture, will on his importation of them into America, be exposed to have his property seized, and to be fined, or at least censured. Several gentlemen, late from America, have informed me, that such resolutions and laws were proposed before they left the Continent; and the menace thrown out by Messrs. Adams, Dona, and Searle, against any who should purchase British goods for the American market, leaves me in no kind of doubt, that such violent and inconsiderate measures have been actually adopted by Congress, and by some, if not by all the Assemblies.—I know not what good effects are expected in America

America from such resolutions; in Europe, they are esteemed impolitic, and useless at best for any good purpose; but what is to me the most alarming is, that those resolutions were taken in consequence of representations made by the French Minister at Philadelphia; and are we, in all the pride of independent sovereignty, become greater slaves, even than the subjects of France? Is the Congress, and are our Assemblies become so dependent on this Court, as to be dictated to even by its Minister? The merchants of France go freely to London, purchase goods, and though they are obliged at all times, whether in peace or war, to introduce them privately into the kingdom, or pay a heavy tax, yet when once introduced they sell them openly as English goods; they now advertise them as such; and you can scarce go through a street in Paris, without seeing many stores, over the doors of which, English goods just imported, are advertised for sale; Congress have within three years past acted so often in direct contradiction to their own resolves and declarations, that it is no way surprising that they have lost the confidence of the public, on this side the water at least they have entirely lost it; the King gave a large sum of money about the time of Mr. Laurens's arrival, for the use of the army, but the Court had so little confidence in Congress, that the money was made payable to General Washington's orders only; nor could they be induced, by the earnest solicitations of Doctor Franklin, to give Congress any controul over it; this shews either that they have no confidence in Congress, or that they mean to take General Washington and his army into their pay, and make them subservient to their purposes; Mr. Laurens obtained liberty to lay out a part of the money in cloathing and necessary articles for

the army; the Ministers probably considered it more for the interest of France, and better for the army, to have such part of the money as must go in purchase of cloathing, &c. laid out in France, than sent in specie to America; but what followed? Mr. Laurens sent his agent to Holland, and laid out one million and a half of livres, nearly, in British manufactures.—Thus whilst Mr. Adams was declaiming in Holland against England, and protesting against all use of its manufactures, and threatening every American that should purchase them, with being advertised as the enemy of his country, the Agents of Congress were publicly (and therefore I presume with his knowledge) purchasing those proscribed manufactures for public use. Can the annals of the world exhibit more striking instances of inconsistency? This public preference given to the manufactures of England, by laying out the money granted by France in the purchase of them, has irritated the Minister, and given government disgust; our affairs here will soon feel the consequences, nor do I believe that we shall have any credit at all, nor that our bills will be paid in two months from this time.—Mr. Laurens was not to blame in this affair, so far as I know any thing of it, he acted prudently, and for the interest of his constituents; he did what you and every honest merchant would have done in his place, he had money to lay out for the public, and he sought the best market for the goods, most suitable, and such as were to be had on the best terms; besides, there was a strong ship in Holland bound for America, in which they could be transported at little risque. But what can be said of Congress for passing resolves, which they know will not be obeyed, and which as soon as published, they themselves destroy, by acting in direct contradiction

to them? What I have hinted about our bills keep to yourself, or use it only to check any of our friends who may be disposed to venture too deep in them. You may be assured that no loan has been obtained either in Spain or Holland; that there is not the least probability of any; that the resignation of Mr. Necker has been a sensible shock to public credit in France; and that great embarrassments are apprehended in a few months on account of money; that too many begin to consider every livre granted to America as so much lost, and that Dr. Franklin is now under acceptance for nearly three millions of livres more than he has funds to answer for.—These facts are sufficient for your direction.—The Doctor may possibly obtain fresh grants—I doubt it—I know he has been refused, and I am told in rather harsh terms.—Congress drew bills on Mr. President Laurens; as being in Holland many months before he sailed from America; they drew on Mr. Jay long before his arrival in Spain; these bills have been honoured, and you in America have been taught to believe that it was from money received in Spain and Holland—No such thing—those bills have been uniformly sent to Doctor Franklin for payment, even the salaries of Mr. Jay and Mr. Adams, and their suites, have been drawn for on Dr. Franklin, who has paid them out of the monies received here. The Agents of private States sent over here on one mad Quixotical scheme or other, have been furnished with money for their expences, out of the sums granted for the support of our army; our Ambassadors and Agents have for some time past cost us at least twenty thousand pounds sterling per annum; the relief of prisoners, and other contingencies, more than as much more; all this has been taken from the money afforded us by France for our army;

Congress; though repeatedly advised by Dr. Franklin not to draw on him, have continued to draw without bounds, and generally without advice:—by their conduct one would suspect that they imagined that the Treasury of France was at their disposal, and that they had a right to draw what money they pleased from it. The Ministers here see no end to this proceeding if permitted to run on, and if the Agents and Ministers of Congress are permitted to contract debts, and draw on them for the payment, and if Congress are at liberty to draw unlimited on Dr. Franklin, and they obliged to answer ultimately their drafts, it is reasonable therefore to expect, that France, under this actual circumstance, will hold its hand, and that you will soon find the bills of Congress protested for non-acceptance, or non-payment; nothing prevents it at this moment but the fear of a violent revolution with us. Is it to be supposed that France will be content for any time to defray the expence of the various Quixotical embassies Congress are sending to different Courts?—That she will continue to advance money to be laid out under her eyes, in the manufactures of her enemies, to the contempt of those of her own; and to her real impoverishment? You who believe this have faith indeed, but it is a question with me if it is such as will remove mountains I know and confess the difficult situation of Congress—And I know also (what I am sure that they will not confess) that they have brought themselves into it by their cabals, their ignorance, and their mismanagement; but their present embarrassments afford them no excuse for their involving themselves in still greater. If you ask me what they can do? I answer at once, let them do what for a long time past they have left undone, let them act an honest and consistent

confident part; let them acknowledge their inability, let them in a word lay their case fairly as it is before their ally, let them weigh fairly the probable chances for their succeeding to establish independent sovereignty, and if they find the probability against it, let them honestly confess it, and put an end to the calamities of our country, by a peace on honourable terms; perhaps to talk of peace on other conditions than Great Britain asking for it on bended knees, is Toryism with you, if so, I cannot help it. I have for some time since had the fate, though I shall never have the fame of Cassandra; I have predicted misfortunes and disappointments; nobody has believed my predictions, yet they have hitherto been uniformly verified by events; "I could still prophecy, but the cold hand of despair is on me," and I will only add my wishes for your prosperity, and be assured of my sincere respect and attachment.

I am, Dear Sir, your most obedient, and very humble servant,

(Signed) SILAS DEANE.

To Col Wm. Duer,
to the care of Robt. Morris, Esq.
Philadelphia.

PETITION of the WEST-INDIA
PLANTERS and MERCHANTS to
the KING.

To the KING's Most Excellent MA-
JESTY.

The Humble ADDRESS and PE-
TITION of the PLANTERS and
MERCHANTS, whose names are
hereunto subscribed, on behalf of
themselves, and others interested
in the BRITISH WEST-INDIA
ISLANDS.

Most gracious Sovereign,

We your Majesty's most dutiful
and loyal subjects, the Planters and
Merchants interested in the British
West-India Islands, beg leave to ap-
VOL. XIII.

proach your Royal Presence, with
hearts full of the warmest attachment
to your Majesty's person and family,
and to the happy constitution of this
kingdom.

The unhappy breach between
Great-Britain and the Colonies of
North America, had no sooner tak-
en place, than the West-India Plant-
ers and Merchants humbly repre-
sented to your Majesty, and to both
Houses of Parliament, their appre-
hensions of the distress and danger,
that would probably ensue there-
from.

When the Colonies of North
America formed an alliance with the
antient enemies of this kingdom,
those apprehensions of your Majesty's
Petitioners were greatly encreased;
and they should have considered
themselves as deficient in every duty
to your Majesty, as well as regard
to the great interests of this king-
dom, had they not represented to
your Majesty's Ministers, the ad-
ditional danger, to which all the
British West-India Islands were ex-
posed, from so powerful a com-
bination.

Every effort was, therefore, early
made, and invariably continued, by
your Petitioners, to urge your Ma-
jesty's Ministers, to provide effec-
tual reinforcements for their pro-
tection; and particularly to induce
them, to keep a permanent superi-
ority of naval force in the West-In-
dies, as being the natural, and only
certain security of those possessions.
The loss of several of those Islands
has afforded a melancholy proof of
those timely and unremitted appli-
cations.

Confident, however, that the re-
maining Islands must be considered
as objects deserving the most serious
attention, your Petitioners did not
yield to despair, but trusted, that
the unhappy experience of past losses
would excite your Majesty's Mi-
nisters,

nisters, to adopt such measures, as might effectually secure those Islands, which still remained.

But it is with the utmost concern, that your Petitioners are compelled to declare, that the remaining Islands are still so unhappily destitute of protection, that at no moment of the war have they been exposed to more imminent danger, than in the present awful conjuncture.

Your Petitioners, therefore alarmed by the inefficacy of their former applications to your Majesty's Mi-

nisters, humbly implore your Majesty to enforce and extend the present assurances they have given us, and to direct, that without delay, reinforcements, naval and military, adequate to the permanent defence of your Majesty's West-India Islands, may be sent out, so that, by the blessing of Providence, those most valuable possessions may still be preserved to the British Empire.

And your Petitioners shall ever pray, &c. &c.

NATHANIEL BAYLY, Chairman.

STEPHEN FULLER, Agent for Jamaica.

SAMUEL ESTWICK, Agent for Barbadoes.

Beeston Long
Richard Neave
Henry Dawkins
John Nesbitt
Richard Beckford
Chaloner Arcedeckne
Edward Morant
Richard Pennant
Thomas Charles Bunbury
William Gale
William Woodley
Crisp Molineux
Thomas Lucas
Jacob Wilkinfon
Verney
Daniel Lafcelles
John Taylor
Edward Payne
J. Blois
Henry Rawlinfon
William Manning
Philip Dehany
Thomas Storer
Benjamin Boddington
Samuel Vaughan
Thomas Hibbert
John Purrier
Duncan Davidson
Edward Fuhr
Richard James Lawrence
Samuel Long
John Crookshanks
Alexander Abrahams
Thomas Gataker

Timothy Earle
Justinian Cafamajor
J. Braithwaite
Thomas Boddington
Richard Welch
William Innes
John Lucie Blackman
Charles Spooner
Dominick Duany
Michael Teigh
John Thomas
John Willett
John Williams
Richard Vaffal
Neil Malcolm
Dugal Malcolm
John Serocold
George Drake
Beeston Long, jun.
George Rigby
Joseph Price
James Stothert
Donald Malcolm
James Lindsey
James Bogle French
William Feuilleteaur
Jonathan Blundell, jun.
Neave, Darnton, and Dobson
H. James
William Briscoe
John Trent
John Spooner
Archibald Cochran
George Ogilvie

Lewis

Lewis Cuthbert	Alexander Douglas
Samuel Turner	William Hart
William Vaughan	John Abbott
William Chisholme	John Bourke
Alexander M'Lachlan	John Pogson
Dugald M'Lachlan	Richard Dickson
James Mitchell	Pen Butler
Peter Clarke	W. P. Perrin
E. H. Wynter	John Dawes
Samuel Gardiner, jun.	Edward Long
James Baillie	Joseph King
John Rawlins	Robert Cooper Lee
William Pond	John Allen
Edmund Green	Thomas Gowland
Richard Atkinson	John Lyon
Henry Jackson	Charles Graham
Thomas Hunt	Thomas Oliver
Rowland Hunt	John Roebuck
Benjamin Vaughan	T. Perkins
Thomas Wagstaffe	John Beach
John Peatt	Thomas Plummer
William Snell and Co.	John Burton
J. Wright, for Thomas Palmer, sen,	E. Barich Loufada, jun.
Ed. Beeston Long	Peeke Fuller
William Tooke	James Dawkins
Samuel Scott	George Hay Dawkins
John Terrick Waller	William Innes
Samuel Warren Foster	James Williams
Charles Pym Burt	George Tarbutt
Michael Lovel	Alexander Willock
Rose Beckford	Ed. Montague
H. M. Bird	James Athell
Joseph Hifcox	James Kerr
Thomas Watkinson	Alexander Warrand
John Palmer, jun.	Duncan Campbell
Thomas M'Ghie	John Platt
John Rae	Robert Houstoun
John Wilson	James Elford
Peter Wallace	Alexander Grant
James Webster	Rose Fuller
David Webster	Benjamin Cowell
Stedman Rawlins	Joseph Pickering
Nathaniel Wells	David Samuda
James Wilson	Daniel M'Gilchrist
Andrew Fenn	William Bishop
Robert Robertson	James Holder
William Whitely	Thomas Whitfoot
John Lane	James Duff
Thomas Fraser	Alexander Gordon
Charles Fuller	John Kennion
Henry Wildman	John Parker
Walter Ewer	William Ewbank

John Collins
 John Ewer
 J. B. Lowfada
 T. W. Milner
 Thomas Rawson
 John Deffell
 Henry Martyn
 Henry Swinburne
 Thomas Storie
 William Withers
 William Stanton
 George Taylor

William Ottley
 Thomas William Jolly
 Joseph Price
 Rice James
 Drewrey Ottley
 John Jackson
 Thomas Maxwell Adam
 Richard Barrett
 Arthur Peatt
 George Ramsey
 J. Fletcher
 Robert Milligan

L I V E R P O O L.

HEN. RAWLINSON, Agent for the Chamber of Commerce of LIVERPOOL.

B R I S T O L.

J. HERING, for the following Planters and Merchants of BRISTOL, by
 Virtue of a Special Power, authorizing me to sign the above Address and
 Petition for them, and on their behalf, viz.

William Miles
 J. Hering
 John Maxse
 John Vassall
 Lowbridge Bright
 William Gordon
 John Gordon, junior
 Hugh Barnett
 Richard Bright
 Samuel Munckley
 Thomas Daniel
 Robert Gordon, jun.
 James Butler Harris
 Robert Mc'Ghie
 Philip Miles
 John Muden
 Ames Hellicar
 Richard Daubeney
 Richard Hall
 Thomas Winwood
 Joseph Coates
 John Stephens
 Frederick Yeamans
 Robert Gordon
 Samuel Osborne
 Richard Mahon
 Richard Meyler
 Jeremiah Meyler
 Samuel Henderson
 Rowland Williams
 Joseph Smith
 George Bush
 William Denham
 Abraham Clibborn
 George Clibborn

Thomas Hellicar
 George Gibbs
 William Battersby
 J. Scan. Harford
 Joseph Harford
 James Harvey
 William Elton
 William Chambers
 E. Baillie
 Charles Granger
 Thomas Harris
 John Eltridge
 Samuel Span
 John Fisher Weare
 Thomas Price
 William Peter Lunell
 Ph. Prothéro
 William Blake
 Peter Priest
 Richard Hyatt
 Thomas Keene
 Mag. Miller
 Thomas Jones
 William Overend
 Launcelot Cowper
 John Lean
 Alexander Sinclair
 Robert Hunter
 James Lockier
 Henry Bush
 James Rogers
 Walter Adams
 Henry Bicknell
 Thomas Harris

The Publisher has been favoured with the following papers from the island of Barbados, by which it plainly appears in what a light Governor Cuninghame is held there, from the readiness with which the Assembly *grant* the requisitions of General Christie, and with what unanimity they *reject* any propositions offered by the other: In short, the Assembly are *unanimously* determined, as it is said, such has been the conduct of this man, to do no business whatever with him; and in this the whole body of the people are *unanimously* determined to support the Assembly.

BARBADOS.

House of Assembly, Nov. 27, 1781.
Resolved, *nemine contradicente*, that the Agent (Samuel Edwick, Esq.) has acted *firmly, judiciously, zealously*, and agreeable to the directions of the House; and that he shall be reimbursed whatever expences have already been, and may hereafter be incurred in the prosecution of such measures as may be proper and necessary for carrying into execution the directions already, and which may be in future, given to him by this House, out of the first funds that shall be raised applicable to public debts.

Ordered, *nemine contradicente*, that Mr. Speaker transmit the said resolution to the Agent.

JOHN GAY ALLEYNE, Speaker.

BARBADOS.

Pilgrim Council Chamber,

Nov. 27, 1781.

His Excellency having received certain intelligence brought by his Majesty's brig the Ranger, dispatched from Admiral Graves's Squadron the 30th day of October last, that accounts of the troops under Lord Cornwallis, in Virginia, had been obliged to capitulate to the French and American army, on the 18th of the same month; and having also

received yesterday morning, further accounts from the Captain of his Majesty's frigate the Champion, of his having been chased on Saturday last, the 24th inst. by two ships, part of a fleet of about thirty-two sail, which he thinks for the most part line of battle ships, going into Martinique; from all which intelligence, and from former accounts of the disposition of the French at Martinique to make an attack on this, or other of the English islands, his Excellency therefore thinks it highly expedient to communicate the same to the Assembly.

The Governor further acquaints the Assembly, that by the last packet, he received a letter from the *Secretary of State*, intimating that a part of the donation money being applied to the defence of the island, would be an appropriation *very agreeable to his Majesty*.

His Excellency also sends down to the Assembly, a letter he has received from General Christie, and recommends to them, to make a short law to enable General Christie to transport the heavy cannon, provision and powder, by the labour of the country, under such regulations as they shall deem necessary; and his Excellency further recommends a renewal of the law passed in the year 1779, for the weekly exercising the militia.

And his Excellency trusts that the loyalty of the House of Assembly will lead them to take into their serious consideration the present critical and alarming situation of the island, and induce them to adopt such measures as are most necessary and expedient, for its defence and safety.

By order of his Excellency,

FRANCIS WORKMAN, Dep. Sec.

BARBADOS.

House of Assembly, Nov. 28, 1781.

The House of Assembly are deeply affected with the unhappy surrender of the troops under their brave General

General Lord Cornwallis to the superior army of the French and Americans, and are but too naturally alarmed with the Governor's other intelligence respecting the French fleet which were so lately seen going into Martinique, with the supposed disposition of the French at Martinique to make an attack on this island; yet the Assembly cannot suffer their apprehensions to betray them into any means of providing for the defence of this island, that are not warranted by the principles of justice or humanity; and after receiving from his Excellency's hands the vote of the House of Commons, under the cover and sanction of a letter from the Secretary of State, as a guide and direction for the legislature in the distribution of the bounty granted by Parliament for the relief of the most distressed sufferers by the hurricane, and after the Assembly's having actually passed a bill with the strictest attention to the line of duty marked out to them by those official documents, in directing the distribution of that bounty; with what degree of propriety, good faith, or virtue, can this Assembly now consent to alienate any part of that money from the use of those distressed objects, in order to defray the expence of erecting fortifications and other works for the defence of this island, on no other ground than that paragraph in his Excellency's message which calls on them for *so strange a measure!* With one voice then the Assembly declare to his Excellency that they cannot reconcile it to the trust so honourably reposed in them in the first instance, to comply with his Excellency's requisition so unexpectedly made to them in the last.

But to testify the regard which the House entertain for the *character and abilities* of General Christie, in a compliance with *his desire* of being furnished with labour for carrying up the articles to the place assigned, as mentioned in his letter to the Go-

vernor, so far as that can be done without imposing any new or more than usual burthen on the inhabitants, they are content to do, and have accordingly passed a bill for such a purpose. Yet with respect to the point recommended, and for the second time recommended by his Excellency, a renewal of the law passed in 1779, for the weekly exercising the militia, the House of Assembly cannot agree to this, under the present circumstances of the men who form that body, and whose dissatisfaction at such a weekly fatigue to be imposed upon them at this time, would not be compensated by the little addition to their skill in training them for real service.

Upon the loyalty of this Assembly both collectively and individually, his Excellency may indeed depend; although the serious consideration which he recommends to them of the present critical and alarming situation of the island may not lead to measures the most favourable to his Excellency's *particular ambition*, whilst such a serious consideration too naturally leads them to deplore their singular ill fortune at the present juncture: that now after a series of calamities which had sunk the product of their lands for so many years together, and these followed by an horrible tempest the last year, that laid their houses and valuable buildings in ruins; when they are on the point of contending with the old inveterate enemy of the British nation, flushed with conquests too, for the very preservation of their country; they should be called to this contest under a Chief, who having without scruple *despoiled* them of their property, and thereby violated one of the dearest privileges annexed to it, robs them of all that desirable confidence with which they would have been happy to have followed a *faithful* Representative of the father of his people.

By order of the House,
JOHN GAY ALLEYNE, Speaker.

Extract

Extract from a BARBADOS MERCURY.

"The Marquis DE CHILOU, the present Governor of Dominico, touched with the distresses of the people under his government, has lately released them from the payment of his fees, which brought him in a very large revenue, the quantum having been fixed and settled by his predecessors, *English Governors*, whose extravagant and immoderate exactions of this sort in many of the colonies, is a scandal and reproach to the British nation. This worthy man went still farther; he besought his Sovereign to give him leave to release the inhabitants under his government from the payment of his salary of two thousand pounds per annum, which salary was heretofore settled by the Assembly of that island on their then Governor, Sir William Young, and his successors for ever. His most Christian Majesty applauded the disinterested conduct of his faithful representative, and granted the prayer of the good man's petition; and the inhabitants are accordingly eased of the said burthen."

Such is the conduct of a *French* Governor, and such the conduct of the *King of France*. What has been the conduct of an *English* Governor, in the Island of Barbados, is well known: what the conduct of the *King of England* will be, remains to be known. In the mean while, O Reader, read and compare the case of Barbados with that of Dominique!

The Agent for Barbados having received an order from the Board of Trade, for a hearing of the complaints that have been exhibited against General Cuninghame, the Governor of that island, all the rest of the islands (for the case of Bar-

bados is the case of all the British islands) are standing on tip-toe in stilts, looking on to know what is to become of this business, and to see whether the Governor of a British island is to raise a salary for himself, and to this end is to levy taxes of himself upon the people without the consent of their representatives.

BARBADOS.

By a council of war, held Dec. 1, 1781, the following distributions of the different regiments of militia in that island were made in case of invasion.

Rycroft's regiment to fight the forts and batteries of Oistin's division.—Gittens's ditto (except the grenadier and light infantry companies) to fight the forts and batteries in St. Michael's division.—James's ditto, to fight the ditto, and ditto of St. James's ditto.—Waterman's ditto, to ditto, ditto, ditto, of Clarendon ditto.—Leacock's ditto, to ditto, ditto, ditto, Speight's ditto.—Poyer's ditto, to take post and defend Dover Castle.

☞ The companies of each regiment, and the forts and batteries of each division to be ascertained, that a proper division of the companies of each regiment may be made.

If the enemy should make good their landing, all these regiments to repair to Fort-George, after spiking up the cannon, and bringing off, or destroying the powder, and to march by such roads to Fort-George, as will prevent their being cut off by the enemy.

Frere's regiment—Walcott's ditto—Haynes's ditto—Thornhill's company, which may be made an advanced guard of, or a picquet company—Gittens's grenadier and light company; to take post at Fort-George.

Fort

Fort St. George, Jan. 29, 1781.

The following account of the French squadron which appeared off Madras the 25th, 26th, and 27th of January, is chiefly taken from an intelligent seaman, who was captured in the *Offerley*, and permitted by the French Commodore, to

come on shore here on the 29th inst. in the ransomed vessel, commanded by Captain Jeffreys. It is commanded by the Chevalier D'Orvais, in the *Orient*, who has the rank of a Brigadier in the French navy. He does not seem to be known in India.

<i>Ships.</i>	<i>Guns.</i>	<i>Prs.</i>	<i>No.</i>	<i>Men.</i>		
L'Orient,	74	$\left\{ \begin{array}{l} 36 \\ 18 \\ 8 \end{array} \right.$	$\left\{ \begin{array}{l} 28 \\ 30 \\ 16 \end{array} \right.$	800,	including 120 marines.	
Brilliant,	64	$\left\{ \begin{array}{l} 32 \\ 18 \\ 8 \end{array} \right.$	$\left\{ \begin{array}{l} 26 \\ 28 \\ 10 \end{array} \right.$	700	} Including marines.	
Severe,	64	} the same as above.		700		
Bizare,	64					
Ajax,	64					
Flammond,	50	24 & 18		500	} Monsieur Talvert. Monsieur Letaire.	
Consolat,	40	18		400		
Subtile,	20	8		200		
Expedition,	12	6		80		

They left the *Mauritius* the 9th of October last, arrived at *Achoen* the 21st of December, stayed there 15 days, and made this coast the 22d inst. in lat. $14\frac{1}{2}$, on which day they took the *Speedwell*, Capt. Jeffreys, bound to Bengal, and ransomed her for 7000 rupees for 80 days. On the 23d they anchored off *Pulicat*, and were very industrious to conceal from the people on shore the knowledge of what they were, though they permitted Capt. Jeffreys to go into Madras with his vessel to raise his ransom money; by which means this Government knew every particular they wished for respecting this squadron. On the 24th inst. the *Tanna* schooner was taken off *Pulicat* by the *Flammond*.

As the French ships received no intelligence at *Pulicat*, and were given to understand at *Achoen* that there were no English ships of any force on the coast, they at first took the five *Indiamen* that were in this road for Sir Edward Hughes's squadron, and were not undeceived till the *Speedwell*, with the ransom, joined

them, to the Southward of the port; though the presumption is, that they were near enough to distinguish that they were Company's ships.

While they continued in this error, they prepared for action, but in so confused and irregular a manner, as plainly expressed their dread of meeting with our squadron, though they before boasted this to be the sole intention of their coming to the coast.

The French seamen, &c. on board the *Orient* said, that the Commodore meant to quit the coast the middle of February, and return to *Mauritius*. He had drained the island of every good seaman to man his ships, and the vessels left there were worked by *Lascars*, *Coffries*, &c. and employed between the islands; the Cape, Madagascar, &c. in bringing provisions.

There are about 4000 troops at the *Mauritius*, and when these ships left it, the French had no idea of sending any part of them from the island, lest it should subject it to an attack.

They

The ships left there were :

	<i>Guns.</i>	<i>Prs.</i>	
Pourveyeuse	40	18	} Going to the Cape.
Lawreston	40	12	
Elizabeth	36	12	
Elephant	36	12 & 8	
Lion	36	12 & 8	
Lingath (Danish ship)	30	9	} Hardly any Europeans on board, manned chiefly with Coffies and Lascars.
Osterly	30	9 & 4	
Pinthade	34	8	
L'Argo	18	6	

Besides a great number of merchant ships. The Solomon, of 28 guns, and the St. Ann brig, of 16 guns, are the ships which took the English vessels off Ganjam, &c. and are now gone to the Mauritius with their booty.

A vessel of 18 guns, belonging to the King, not included in the foregoing list, was ready to sail from the Mauritius upon the fleet's departure, but her destination not known.

Monsieur Salvert, who commands the Subtile, was at Madras for some time in 1777. That frigate touched at the island Nan Cowrie, (one of the Car Nicoburs, where there is an Imperial Resident) early in December, but finding no provisions, staid but 36 hours, and followed the squadron to Acheon. There they got no other provisions than buffaloes and fowls. They were well found in ammunition, but not in stores, and badly victualled. The Severe had but 36 days provisions, and the rest but 42 to 50 days. Few good seamen on board; their officers in general young and inexperienced: great part of the crews natives of the islands, and Bourbon volunteers; no regular troops. The Orient had 180 marines when she left France, and has now but 120; and the rest diminished in proportion. Their whole complement of seamen and marines in the large ships are reduced about 200.

They talked of landing 1000 men at Pondicherry, but it is thought

they could not spare so many. When the Osterley arrived at Mauritius, they had plenty of provisions, but their subsistence is since much reduced, and there was some difficulty in furnishing this squadron. The slaves at the Mauritius are numerous, and having a scanty allowance and severe work, are much dissatisfied, and would be glad at any time to change their masters; of which, the latter are also sensible, and are in continual apprehension of a visit from the English; and that such an event would produce a revolt, even if they were invaded but by a small force. The Islanders themselves are but little satisfied with their situation.

A ship taken off Mangalon, was the only prize that had arrived from India, before they left the Mauritius. Mr. Bolts had put in there, said to be through distress, and had purchased two ships; one of which he carried with him to Europe, with part of the Osterley's cargo, and sent the other India. A Portuguese ship, bound from Goa for Lisbon, (the Santa Maria Maggiore) had put into Mauritius in distress, a short time before they sailed, and was ready to proceed on her voyage, but not allowed to depart till a convenient time should elapse after the sailing of the squadron. They took two vessels off the West coast of Sumatra; in one of which they found 60 chests of opium, and 30,000 rupees, and sent them to the Mauritius. Three days before they made the

the land, they met with the Solomon, (the vessel of 32 guns, that has lately been cruising in Balasore Road) with three prizes, bound to the Mauritius. When they were off Pulicat, they sent the Speedwell into Madras to get the ransom money, and returned it to them; and in that vessel Monsieur D'Orvais sent a mate belonging to one of the vessels that he took on the West coast, and two of the seamen belonging to the Osterley, with a letter to the Governor, expressing his desire that a naval officer, who is a prisoner here, (and is known to be an expert pilot) should be sent to him in exchange.

When Captain Jeffreys left Madras on the 10th inst. he saw five large ships standing in the road, but could not distinguish what they were; and this he told the French Commodore; adding, that they looked like ships of war.

Whether this, or what other circumstance discouraged the French from making any attempt to burn and destroy the vessels in the road, when they passed so near them in their way to Pondicherry, cannot as yet be known; but, if they had tried it with a single frigate and boats, they would have done a great deal of havock to the vessels that lay off the Black Town, loaded with rice and provisions, and burnt or destroyed some of those that lay before the fort, with very little injury to themselves. The Supercargo of the Speedwell, who was left as a hostage on board the Commodore, till the vessel returned with the ransom money, (which was not before the squadron had passed St. Thomé, in their way to Pondicherry) affirms, that they had nothing from the shore, either from Pulicat, or any where else, from the time that they made the land till he left them.

Hague, Oct. 24. The placard, which the States of Holland and

Westfriesland have published against the author or authors of the pamphlet, addressed to the inhabitants of the Netherlands, is to the following purport:

The States of Holland and Westfriesland to all whom the present may reach, send greeting—Whereas, we have been informed, that in open contempt of the placard and ordinances from time to time issued out against the printing and vending of false and seditious libels, there has lately been handed about in several places within the district of the said states, a most inflammatory libel, intituled, *Aan het Volk van Nederland*, wherein the supreme government of these states, his Serene Highness the Stadtholder, and his ancestors, to whom, after God, we are indebted for the foundation, support, and freedom of our republic, are belied in the grossest and most injurious manner, whilst the good commons are invited to sedition and rebellion.

In order therefore to provide against it, without derogation to our former placards against pasquinades and other scandalous and defamatory publications, and in particular to our renovation of the said placards of the 18th of January, 1691; and that of the 7th of March, 1754, we have thought it advisable, for the better discovery of the author or authors of the libel aforesaid, intituled, *Aan Het*, &c. also of his or their accomplices, to promise a reward of 1000 ryders of gold, (14,000 florins) to whoever shall lead to such a discovery, so as to bring the offenders to justice; and in case the informer should be an accomplice, we engage to grant him a free pardon for whatever he may have been guilty of against the Sovereign in this particular, and such informer shall moreover be entitled to the aforesaid reward, nor shall his name be mentioned, but on the contrary kept secret.

Mean

Mean while we hereby forbid all persons of whatever rank they may be, to reprint in any manner the abovesaid false and scandalous libel, or to publish, vend, and distribute the same, under forfeiture of such printed copies, besides 6000 florins penalty, and moreover perpetual banishment from the provinces of Holland and Westfricland: one third of the aforesaid penalty shall belong to the judge who may challenge the culprit, one third to the informer, and the remainder to the poor of the place where such challenge shall take place.

And whereas some persons, in order the better to conceal their manœuvres, might be tempted to plead, as a justifiable pretence, that the aforesaid libel was sent to them under cover, without their knowing whence or from whom:—It is hereby enacted and ordered, that all printers, book-sellers, and all other persons whatsoever, to whom the above licentious libel, intituled, *Aan het Volk*, &c. might be sent or directed, either to sell, give, publish, lend, or read the same, shall be, and are commanded to send or deliver the said libel to the officer, or magistrate of the district wherein they are settled, or of the place where the same might have been brought, under pain of being looked upon as propagators of the said libel, and punished in the manner aforesaid.

We further strictly enjoin our Attorney General and all our other officers, to put the present placard in strict and full force, without the least deviation or connivance, as they tender their places.

And that no one may pretend cause of ignorance, but on the contrary, that every individual may know how to act in the present case, we will that this placard be published and posted wherever it is usual so to do.

Given at the Hague, under the Privy Seal of the country, Oct. 19, 1781.

By Order of the States,
(Signed) C. CLOTTERBOOKS.

Hague, Nov. 4.

The underneath advertisement of his Serene Highness the Field Marshal Louis Duke of Brunswick, is exactly copied from an authentic translation. The original paper in the Dutch language was delivered to the Prince Stadtholder, and is deposited among the writings belonging to the Stadtholder.

"The undersigned Louis Duke of Brunswick Lunenbourg, having been for some months past the innocent object of the most cruel calumny, addressed himself on this subject to their High Mightinesses the States General of the United Provinces, from whom he received his commission of Field Marshal to the States; he had the satisfaction of receiving by their resolution of the 2d of July, 1781, a provisional declaration, saying,

"That their High Mightinesses did not perceive any reasons for founding those accusations, imputations of treachery, and corruption, which were laid to his charge in several anonymous writings, defamatory libels, and injurious reports circulated among the people: That their High Mightinesses, considering them as false and injurious, and prejudicial to the honour and reputation of the Duke, they, by the present, acknowledging him to be entirely undeserving of the reproaches cast upon him in these pasquinades and scandalous reports.

"The undersigned has since had the happiness of seeing several of the Provinces take resolutions, expressing their satisfaction in his conduct, while the remaining Provinces have his case now under consideration.

O 2

"But

" But as he nevertheless perceives, that notwithstanding this, several persons are still daring enough (for the purpose of accomplishing their wicked views) to continue to write and spread their defamatory libels and falsehoods, and even to cause them to be inserted in the public papers, with an intention of destroying his reputation, and for the purpose of persuading the public, by their infamous insinuations, that he, the said Duke of Brunswick, had given pernicious counsel to the Stadtholder, and such as was extremely detrimental to the Republic; and that he was the principal cause of the pretended misconduct in the naval affairs; that their malice had risen to such a degree as to represent that he feared a public investigation of his conduct respecting the accusations that they had maliciously laid against him; notwithstanding he had written to their High Mightinesses on the 21st of June, in that very year, offering to submit his conduct to the most rigid examination.

" He now thinks himself under a necessity (not being able any longer to continue silent under these false accusations, and to treat them with the just contempt which he has done hitherto, confiding entirely in the justice of his cause) of opposing those base insinuations by which they have endeavoured to prejudice the inhabitants of the State against him, of undeceiving the public, and of removing these bad impressions from the minds of the whole country.

" He publicly declares that these aspersions are absolutely false; that for 30 years past, during which time he has had the honour of faithfully serving the State according to his duty and his oath, he has not interfered with affairs relating to the naval department; and he has in a particular manner avoided it since the contention and rupture with the Crown of Great-Britain. He ap-

peals for a confirmation of this to his Serene Highness the Prince Stadtholder, the Ministers of State, and the Admiralty Colleges.

" He calls upon all and every one, of whatever rank and condition they may be, to state any particular instance of his interference in marine affairs, or of his having given pernicious counsels detrimental to the Republic, or concerning any one of the other accusations, by means of which they have endeavoured in the most unheard-of manner to sully his honour, and destroy his reputation with the nation, to relate them at large, and to support them by such proofs as they are able to produce; he being ready, as he had previously declared in his address to their High Mightinesses, to submit himself in all respects to the most rigorous examination.

" He is persuaded, that as no one has hitherto been able to produce any proof of these calumnies, that by this proceeding all suspicion will be entirely removed, and that the pasquinades and injurious reports will no longer meet with any credit, but will be treated with the contempt they deserve.

" For the rest he finds himself obliged publicly to declare, that until there shall appear specific accusations supported by proofs, he shall consider all the libels anonymous defamatory writings, scandalous reports, insinuations direct or indirect, and all that may be spread to his disadvantage, as infamous calumnies, and shall regard the authors as calumniators and detractors.

" He therefore leaves to the justice and acknowledged zeal of those who are in the Administration, the care of watching over, and preventing similar calumnies in future, by every possible method.

(Signed)

THE DUKE OF BRUNSWICK."

ExtraB

Extract of a Letter dated Hague, November 3.

The following is the speech of the *Gallomanide*, Baron Vander Capellen, Lord of Marich. It was delivered in the assembly of the States of Guelderland, on a proposal from his most Christian Majesty for the loan of 5,000,000 of florins.

“ Noble and mighty Lords !

“ As the intent of assembling the States of this province thus early is to consent with speed, after the example of the other confederates, on the part of your N. M. to the request from France for a loan of 5,000,000 of florins, I ardently and sincerely wish, with all those who maturely consider the critical situation of our country, that we may at last be sensible and convinced, that it is high time for this Republic to meet, with gratitude, the repeated offers tendered and experienced of the affection of the Court of France : an affection supported by real good will of forming with this Republic an alliance so necessary to encounter with becoming vigour, and bringing to a sense of his injustice, an enemy who, by the measures by us hitherto pursued, is become so formidable.

“ It is well known to your N. M. by what arts and cabals the English, ever envious of our prosperity, have succeeded, so far as to bring this State on the brink of an almost irreparable ruin, by their treacherous influence within this Republic; and their perfidious attacks abroad, without our thinking, though full aware of their machinations, of making a timely application to the King of France, that this natural and necessary ally might join with us against the common foe, which require a speedy redress, can never be justified : a redress, N. and M. L. which the nation expects with impatience, that it may then clearly appear, that no means are left untried to defeat the perverse intentions of

an ever threatening enemy. The people, who daily experience more feelingly the galling consequences of an unfortuate war, and the indolent manner in which the affairs are conducted, are full of discontent, as they ever were ready to lay down their lives and fortunes for the safety of the country. Whilst the waters of the torrent already reach our lips, who will dare to gainsay, that this nation has a right to insist with its representatives, with your N. M. that without delay, and ere it is too late, proper steps may be taken, both abroad by due assistance, and at home by means of a firm and unanimous conduct, to stay the progress of so formidable an enemy, and thus prevent in time, liberty, welfare, and prosperity leaving us for ever.

“ Since it is customary for your N. M. to direct the confederates, I shall leave it to your consideration, whether it be not proper, on the part of this province, strenuously to insist, that, in the most convenient and expeditious manner, an alliance may be entered into with France, and that well-meaning measures may be concerted with his most Christian Majesty, against the next campaign. Not one amongst you, N. and M. L. can deny the necessity of such measures, without which we run the risque of losing our navigation and trade, already brought to the lowest ebb ; as also of seeing our East and West India possessions become a prey to the depredations of our enemies ; and yet on these, as on its pillars, rests our political existence : they are the sources of our wealth ; if the pillars give way, if these sources are drained, our Republic is for ever undone.

“ Therefore, as it is evident, that our interest is to co-operate with the foes of our foes, I further submit to your serious consideration, whether it would not prove very beneficial to this State, to accept of the well-meaning;

meaning, necessary, and advantageous proposals made by the *Thirteen United States of America*? A mean condescension, a fawning compliance to England, can no longer prevent us from acknowledging the independence of a Republic, which, after our own glorious example, has acquired its freedom by arms, and is daily striving to shake off entirely the galling yoke of our common enemy.

“Where then is the obstacle that can oppose our entering into a treaty of the strictest amity with those powerful and virtuous men, who certainly respect us above all other nations, and have given us proofs of their friendship? How widely do we differ in this particular from our ancestors, who, convinced of the necessity they were in of acting in conjunction with the foes of their foes, first joined issue with the Portuguese, when they shook off the Spanish yoke? Who does not see at once that the entering into an union so evidently necessary, with the foes of our foes, would soon restrain the fury of our enemies, and would accelerate with certainty, the conclusion of a general peace, upon the most honorable terms? It is my duty to speak roundly to your N. M. persuaded as I am, that the people’s discontent, if they should be disappointed in this just expectation, will daily increase to an alarming height.

“And truly, N. and M. L. can it be taken amiss, that this nation, so very patient, should after having spilt so much blood, squandered such treasures, hitherto to no good purpose, should require an account from administration, and insist on an enquiry concerning the efficient causes of our ruin? Discontent and mistrust prevail universally: who can remain without apprehension of the consequences likely to result from a general dissatisfaction? Do we not hear it said, from the highest to the lowest, how remarkable it is, that after hav-

ing paid for several successive years, exorbitant sums for the building of ships, our marine could not be put upon a proper footing to protect our trade and navigation; and that commonly our naval forces were either too far asunder, or too weak to make head against the enemy; whence have sprung the most fatal consequences? Has not the bulk of the nation a right to complain, that the protection hath been refused, which alone could secure an extensive trade, licensed by treaties? The effect of such refusal has been, that the Northern powers are no ways inclined to bow to the British power, continue in the full enjoyment of their free trade and navigation, without the least hindrance or molestation, building their security on our undoing. Is it, not worth consideration, that we did not accept instantly of the gracious offer made to us by the armed neutrality, and only acceded to it seven months afterwards, when it was too late and unprofitable to us?

“The above grievances, added to many more, give great cause of complaint to the nation. We have been promised, it is true, that enquiry would be made concerning the causes of the excessive supineness of our government in protecting the country against an enemy equally vigilant and formidable. But has this promise been duly fulfilled?

“Are we now making the necessary preparations to attack in a more decisive manner, and with becoming spirit, our odious enemy? Do we oppose with proper caution his intrigues both abroad, and in the very heart of our country? And altho’ it doth clearly appear that it is not want of inclination in the States of Holland, much less in the Regency of Amsterdam, that has prevented our navy being put upon a respectable footing, yet it still remains a question whether some of the Admiralty

miralty Boards have not been remiss in putting their marine, each in proportion to its quota, in a situation calculated to act with efficacy against our foes?

“ In fine, N. and M. Lords, are not all the United Provinces unanimous in attributing the principal cause of our disasters and misfortunes to that constant influence which the Duke of Brunswick, Veld Marshal of this State, ever preserved over the mind of the Prince Stadtholder?—Does not the whole nation insist daily more and more on his being removed? Are not the aversion and hatred which the people at large bear to him, wound up to such a pitch, as to make it equally prudent and political for government to hearken to the voice of the people, the more so, as the said Duke has not cleared himself to this nation of the charges exhibited against him, by several eminent Members of the Union? Can the nation at large rest satisfied with that kind of absolution granted him by their High Mightinesses in so vague and illegal a manner? Can the partial and justificatory resolves, taken about him, entirely clear the Duke before the tribunal of the nation from the guilt imputed to him? Who is there who will venture to maintain that in every respect the proceedings on this affair have been squared by the rules of the order and constitution of our Government? Is not the conduct of the Deputies of this province to the States General extremely reprehensible? It is—and so far indeed, that I rest assured your N. M. will prevent in future such a violation of a delegated power.

“ The complaints and petition of the Duke ought never to have been considered by the States of this province, as a matter subject to their deliberations; yet, (and posterity will hardly credit it) it has been thought proper, without any consideration of

right or wrong, to come on the 21st of July last, to a resolution in every respect flattering to the Duke, and justificatory of his conduct! Such a resolution, N. and M. Lords, present in a very unfavourable light, the most laudable efforts that could be exerted by a few distinguished members of the confederate States, for the good and preservation of the country: efforts, nevertheless, which will meet in time with well merited approbation, and will be more strenuously enforced, if we can rightly judge from the most promising appearances. This flattering prospect gives us yet some faint hope of saving the Republic. And if concord and unanimity, the restoration of which your N. M. with, I trust as ardently as I do myself, can once more prevail in these States, that stumbling block, the only obstacle to so desirable an event, and against which all hearts and minds are united, ought to be removed. And indeed, since the Duke himself, who is thought a profound politician, may easily conceive that his presence is far from being useful to the State, it is a matter of surprise that this Prince, after the example of other Statesmen, has not long before this fulfilled, in this respect, the unanimous wish of the people.

“ Actuated, N. and M. Lords, by the deepest concern at our sad and distressing situation, I have thought it my duty to lay before you the foregoing considerations, in the full confidence that you will join the other confederates in opposing, with redoubled spirit, the further encroachments of violence, both at home and abroad, and give this oppressed and injured nation, which is reduced to despondency, on losing those resources which constitute its welfare, and its very existence, a full and just satisfaction, by enabling it to restore what has been impaired, and revenge the affronts it has experienced in so galling

galling a manner. To the effecting of this, the subjects of this Republic will never be deficient in readiness and courage, as it has recently appeared in a most glorious occasion, (the Dutch victory off the Dogger's Bank.)

"In order to fulfil the objects, and in consequence of the weighty motives I have urged hitherto, I beg leave to move:

"That there be set on foot, and concluded with the King of France, and the Thirteen United States of America, a treaty of amity and of mutual protection, in the best, most convenient and speedy manner possible, as this is the only means, combined with our serious endeavours, likely to compel our enemies to an early peace, and in its terms honourable for this Republic, as also to force them to observe it, and make atonement for the violation of the right of nations. I make no doubt but your N. M. will look on my proposals as worthy of your most serious deliberations, to which I submit the whole with the utmost respect. And as it is no ways indifferent, N. and M. Lords, what may be your opinion, that of the nation and the judgment of posterity concerning my conduct and way of thinking in the present conjuncture, I beg that these my said proposals may be entered verbatim in the records of this province."

Saturday, O^r. 27. Their H. M. having taken into their further consideration, that Rt. Der Capellen Du Mar'ch, has been repeatedly desired to withdraw his motion for inserting the above, or at least to take out therefrom a few sentences which appeared to their N. M. subject to some difficulties, and on the object of which some resolves had been taken in various assemblies of this province: And whereas the above-named has persisted in his request, their N. M. have in consequence en-

tered the whole matter on his own private account, thinking it proper, from cogent reasons, to take here this necessary notice thereof, leaving all other members at liberty to enter their additional observations on this subject, as to them may seem good.

All the provinces, except that of Zealand, have, it is said, consented to the loan of the five millions above mentioned being raised at four per cent.

ARTICLES of the REGULATIONS
*settled between the STATES GE-
NERAL and FRANCE, respecting
the PRIZES taken at sea.*

ART. I. The prizes taken from the enemy by French ships furnished with letters of marque, may be brought into the ports of this country, in order that these privateers may continue their cruize; and, in cases of necessity, they may even sell the said prizes there.

ART. II. In case of their putting in only, the prize-masters shall be obliged to present to the Commissary of Reviews of the place they have put into, a summary declaration of the circumstances of the capture, and the motives of their putting in; they shall request at the same time the said Commissary to go on board of the captured ships, to seal up the effects, or take an inventory of what cannot be sealed; to the end that the whole may be verified in France, by the Officers of the Admiralty, from the copy which the prize-master shall be obliged to transmit and furnish to the Secretary's office there.

ART. III. Merchandize liable to spoil, and even other commodities, if necessary for the subsistence of the ship during their stay in these countries, may be sold, with permission of the College of Admiralty; in whose jurisdiction the said ship has been brought, granted for that purpose to the Prize Masters; on condition that this sale be made by the Public

Public Officer of these countries, and that the copies both of the demand made in that respect, and of the appointment granted, and of the lists of the sale, be transmitted by the Prize Master.

ART. IV. In case that the Prize-masters shall have been authorized by the privateers, or by the Captain of the ship, furnished with a letter of marque, to sell in the ports of the Republic, the prizes taken, they shall be obliged to request that the College of Admiralty of the jurisdiction, will be pleased to fulfil the forms prescribed by the forty-second article of the publication of his most Christian Majesty, of the 24th of June, 1778; after which they shall be obliged to deliver afterwards, in France, the copies of the pieces relative thereto.

ART. V. The above-mentioned copies and translations of the original pieces must be directed to the Secretary-general of the Marine, at Paris, that the council of prizes may decide and pronounce on the prizes in question; after which the Prize-masters, or their factors, may require the provisional sale of the effects and merchandize susceptible of deterioration, even the ultimate sale of these prizes, and their whole cargoes, conformably to what is prescribed by the 45th article of the publication above-mentioned, of the 24th of June, 1778, respecting the prizes carried into the ports of France.

ART. VI. As to the unloading, inventory, sale, transit or delivery of the prizes and merchandize in question, the formalities usual in those countries shall be observed. The Prize-masters shall be obliged to send discounts or summary liquidations of the produce of the prizes alledged, that these same discounts, or summary liquidations, may be delivered, by the privateers, to the Secretary's office of the Court of Admiralty, where the ship, furnish-

ed with a letter of marque has been fitted out; the whole conformable to the 47th article of the publication of the 24th of June, 1778, and to the arret of Council, issued the 4th of March last. The condemnations or declarations of good and lawful prize, shall be dispatched to the Courts of Admiralty, resident in the places where the equipment has been made, that they may be registered therein. The effects produced by prizes taken by French letters of marque, and brought into the ports of these countries, shall be subject to the same duties and formalities, as the goods found on board prizes made by Belgic letters of marque are, or may be subject to hereafter.

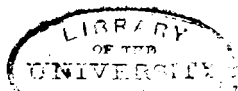
ART. VII. All the prisoners detained on board of French armed ships, that put into the ports of this State, as also those that are on board of the prizes brought therein, shall be immediately delivered up to the Admiralties of the Jurisdiction, in order to be kept and maintained in the name, and at the expence of his most Christian Majesty: the same thing shall also be observed in France respecting the prisoners carried in there by Belgic letters of marque. But the Captains who shall carry into the ports of France prizes to be sold, shall, notwithstanding this, be obliged to carry thither with them, two or three of the principal prisoners, that they may be examined by the officers of the Admiralty, and serve to prepare matters for a hearing.

ART. VIII. The Belgic letters of marque may bring, or cause to be brought, their prizes into all the ports situated under the dominion of his Majesty the King of France, whether to stop there until they have made the necessary repairs, to enable them to put to sea again, or to sell definitively.

ART. IX. In case of their putting in only, the Prize-master shall be obliged

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obliged, before the expiration of twenty-four hours, to make their declarations before the officers of the Admiralty, who shall go on board of the prizes brought in, to put their seal on the effects, and draw up a summary account and description of every thing that cannot be sealed up; nor shall it be permitted to unload any thing whatever from these prizes, under the penalty enacted by the arrets and regulations of his said Majesty.

ART. X. Nevertheless, the Dutch ships bearing commissions, shall be allowed to sell, in the ports of France, the goods subject to spoil, and even other effects, to supply the necessities of the ship during the time of her stay in those ports; provided they ask leave to do it, by means of a petition to the officers of the Admiralty, in order that the said sale may take place in their presence.

ART. XI. Whenever the subjects of the Republic shall intend to put their prizes to sale in the ports of France, the Captain who shall have made the capture, or the officer who shall have been placed on board as Prize-master, shall be obliged to request the officers of the Admiralty, to comply with the formalities prescribed by the 42d article of the publication of his most Christian Majesty of the 24th of June, 1778; and they shall proceed to the sale, under the direction of the Consul, or the Charge d'Affaires of their High Mightinesses, if there resides one in that port; if not, in presence of the Charge de Procuration, by the Captain of the privateer that shall have taken the prize. The copies of the said proceedings, and the original pieces, must be directed to the Secretary of the College of Admiralty of these countries, in whose jurisdiction the ship of war, or the ship carrying a letter of marque, shall have made the capture, that the legality of it may be tried.

ART. XII. Prize-masters or the factors shall be allowed to request the officers of the Admiralty to proceed, or accede to the provisional sale of the effects and merchandize liable to spoil, even to the ultimate sale of the prizes, and of all the goods loaded on board of the same, as soon as it shall clearly appear, by the inspection of the papers of the ship, and the examination of the prisoners, that these prizes belong to the enemy; the whole after the example of what, respecting the prizes made by the French ships bearing commissions, is regulated by the 45th article of the publication of the 24th of June, 1778.

ART. XIII. The unloading, inventory, transit or delivery of these prizes and effects, must be made in presence of the Admiralties, whose times in the unloading, the taking of the inventory, the transit or the delivery of the merchandize, are reduced to half, on the footing of what is fixed by the 42d article of the publication of the 24th of June, 1778; and the officers in question must not proceed to the forming of particular liquidations of the produce of the prizes, until after they shall have been required to do it by those interested therein. Be it understood, that in all cases, where more than one copy is necessary, the Secretary shall not exact for the second and third copies, more than the expence of the stamp, and the price of the writing; the whole conformable to the Tariff of the year 1770.

ART. XIV. The merchandize proceeding from the prizes made by the letters of marque of these countries, and carried into the ports of France, must be subject to all the duties and formalities whatever, that are observed with respect to the effects of the prizes taken by the French privateers; and as it is enacted by the arret of Council, dated August 27, 1778; to which the Belgic letters of marque are bound to submit.

ART.

ART. XV. The ships of the Republic, bearing commission, may, in the ports of France, deliver up to the Commissaries of these ports and magazines of the Admiralty, the prisoners they may judge to be burthen some to them; for which purpose his most Christian Majesty condescends to give the necessary orders, for the transporting, guarding and maintaining of these prisoners in his strong places and castles, at the expence of this State, to which these prisoners will also be delivered up at the first requisition, either to be exchanged, or transported elsewhere. Done in the Assembly of the Lords the States General of the United Provinces, the 12th of October, 1781.

(Signed with a flourish)

W. C. H. VAN LYNDEN, VT.

(And lower (Signed)

H. FAGEL.

*From the NEW-YORK GAZETTE.
Resolutions respecting PAUL JONES.
Extract of a letter from Philadelphia,
July 29.*

"I slightly mentioned to you some time ago, that the Congress had expressed their acknowledgments of the services performed by Paul Jones against the English, I now send you the whole particulars of their proceedings in that business.

"In Congress so early as last February 27, they came to the following resolutions:

"Resolved;

"That Congress entertain a high sense of the distinguished bravery and military conduct of John Paul Jones, Esq. Captain in the navy of the United States, and particularly in his victory over the British ship of war the Serapis, on the coast of England; which was attended with circumstances so brilliant, as to excite general applause and admiration.

"Resolved,

"That the Minister Plenipotentiary of these United States; at the

Court of Versailles, communicate to his Most Christian Majesty, the high satisfaction Congress have received from the information of Monsieur de Sartine, that the conduct and gallant behaviour of Captain John Paul Jones have merited the attention and approbation of his Most Christian Majesty, and that his Majesty's offer of adorning Capt. Jones with the cross of military merit, is highly acceptable to Congress.

April 14. "The United States in Congress assembled, having taken into consideration the report of the Board of Admiralty, of the 28th of March last, respecting the conduct of John Paul Jones, Esq. Captain in the navy,

"Resolved.

"That the thanks of the United States in Congress assembled, be given to Capt. John Paul Jones, for the zeal, prudence, and intrepidity, with which he has supported the honour of the American flag; for his bold and successful enterprize to redeem from captivity the citizens of these States, who had fallen under the power of the enemy; and, in general, for the good conduct and eminent services by which he has added lustre to his character, and to the American arms.

"That the thanks of the United States in Congress assembled, be also given to the officers and men, who have faithfully served under him, from time to time, for their steady affection to the cause of their country, and the bravery and perseverance they have maintained therein.

June 26. "Congress proceeded to the appointment of a Captain to command the ship America, and the ballots being taken, John Paul Jones, Esq. was unanimously elected.

CHARLES THOMSON, Sec.

"By the United States in Congress assembled, June 26, Resolved, That the Board of Admiralty inform John Barry, Esq. commander of the frigate Alliance, that Congress approve of his conduct in releasing the

ship belonging to the subjects of the Republic of Venice, retaken by him from a British privateer, on the 4th of March last; it being their determination always to pay the utmost respect to the rights of neutral commerce.

GEO. BOND, Dep. Sec.

Brussels, Dec. 24. Our government has made public the following edict: "Joseph, by the grace of God, Emperor of the Romans, ever august of Germany, Jerusalem, Hungary, Bohemia, Dalmatia, &c. &c. &c. King;" whereas the friendship and intelligence kept up between religious houses within our dominions in the Netherlands, and those which are established abroad, give rise to several abuses, which may in time prove prejudicial to the welfare of the State; we having resolved to break asunder all those ties, by freeing all monasteries and convents without exception, from all dependence on the general, or other foreign ecclesiastical superiors; have, by the advice of our faithful Counsellors, and the deliberation of our most dear and beloved sister, Maria Christiana, Princess Royal of Hungaria and Bohemia, Archduchess of Austria, and our truly dear and beloved brother-in-law, the Duke of Saxe-Teschén, our Lieutenants, Governors, and Captains General in the Netherlands, ordered and fixed for ever the following articles.

I. All religious houses, monasteries, and convents, without exception of any sect or order whatever, situate within our provinces in the Netherlands, shall henceforth be completely and absolutely independent from all pretended authority or superiority heretofore in force under whatever title and denomination, it may be, by monasteries, congregations, convents, generals, and superiors, settled in countries foreign to our aforesaid dominions.

II. We therefore will and command, that all union, association, connection, and jurisdiction, whether it be of regulation, discipline, or any other matter relative to religious policy between monasteries, &c. situate in foreign parts, without exception, and under whatever denomination it may be, shall henceforth be at an end in every respect.

III. In consequence thereof, all commissions and appeals to and from chapters, assemblies, or superiors whatever, without our dominions, and all acceptance of mandates, orders, &c. from the said foreign congregations, &c. is hereby interdicted and forbidden.

IV. All religious men or women who shall henceforth be convicted of having failed herein, either by contradiction, opposition, or any other means, shall, for the offence, be deemed totally and for ever incapable of holding any dignity, employment, office, or power in his or her monastery or convent, and also shall lose such office, dignity, &c. to which they may then be preferred, and in case of a second offence, shall be sentenced to leave our dominions never to return therein, under pain of perpetual imprisonment.

V. We will and command, that all religious houses, which are not under the immediate jurisdiction of the Bishops, be formed into so many congregations as there are orders in the Netherlands, mendicant or not mendicants; and that each congregation be extended to all monasteries of the same order: all division of the same order into different provinces being at an end, the said congregations to be ordered as follows:

VI. The authority and superior power will be lodged in each congregation.

VII. Each congregation shall consist of the Abbot, or other superior of the respective monasteries or convents, who shall have for his assistant,

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one Friar chosen by votes : and the said Friar shall have a vote equal to the said Abbots, and first superiors in the aforesaid congregation.

VIII. The first general assembly of each congregation, as aforesaid, shall be holden within the six months next ensuing, in our good city of Brussels. To this effect the abbots of each order, the heads of every monastery shall agree amongst themselves about the day most convenient, of which notice shall be given to our Governor-general within two months from the publication of this our present edict.

IX. In the above first general assembly, which will be presided by the eldest abbot, a vicar-general not being yet appointed, and by the eldest superior for want of a provincial or first superior of the same order, all those that compose the said assembly shall determine on the place and monasteries where they are to be holden in future ; and of this their determination they shall also give due notice to our said governor-general.

X. Each assembly as above-mentioned shall take place every fourth year from the ending of the preceding assembly.

XI. The expences attending such general assemblies, as well as those which may be holden in consequence thereof, or pertain thereto, shall be levied immediately after each assembly, upon all the monasteries composing the congregation ; as also upon the convents and nunneries within their districts ; and the said expences shall be defrayed accordingly.

XII. In each assembly a vicar-general of the order or congregation, shall be chosen by vote, from amongst the abbots and heads of convents. During the four years he remains in office, he shall be deemed the representative of the whole congregation, and shall be invested with power to

act as superior general. Another abbot, or head of a monastery, shall, in like manner, be appointed vice-visitor, to represent the former, in case of his death, or his being, through infirmities, or otherwise, unable to attend ; and in case both the vicar-general and his deputy should die within the four years, or become incapable of exercising their functions, the next to them in rank, and successively the third, fourth, &c. shall replace them till the next general assembly.

XIII. A person shall also be chosen, out of one of the monasteries composing the congregation, to act as secretary. He, during the whole term of the four years aforesaid, shall constantly reside with the visitor, and accompany and assist him in the discharge of his employment.

XIV. There shall also be chosen amongst the Abbots or heads of monasteries four *Consultors* including the Vice-visitor. Their functions will be to assist the Vicar-general with their advice in all matters which may seem expedient for the good of the order, monasteries, or their inhabitants.

XV. During the first year after the holding the general congregation the visitor and four consultors shall assemble, debate, and fix upon all matters concerning discipline, and the interior government of the monasteries belonging to the respective orders ; and all such proceedings shall be duly and fully registered.

XVI. This being done, the visitor general shall employ the two other years in visiting the monasteries and convents of the congregation, and redress and reform whatever may appear to him reprehensible. He shall above all, minutely enquire throughout all such monasteries about the punishments inflicted therein either by the chapters or superior thereof, redressing instantly all that may appear to him grievous and unjust, and make

make his report in the next general assembly.

XVII. The visitor shall keep a journal of his visits, and state before the next general assembly all that he may have done during his visitation.

XVIII. In case the general assembly should think fit by a majority of its members, to approve of the actions and conduct of the visitor during his triennial administration, then all such regulations by him established shall be regarded and kept as statutes and rules; if, on the contrary, the majority of such General Assembly should be of opinion, that such alterations made by the preceding visitor were altogether or partly insufficient, they shall reform or modify the same, and their resolves in consequence thereof shall become a law.

XIX. In all acts which shall be registered or determined in the General Assembly, every part concerning the spiritual management and discipline of monasteries shall be carefully set down under distinct heads, and separate from those matters which shall concern the temporal only, so that both may be entered distinctly in the registers.

XX. The general assembly shall have it in their power to continue for four years longer, the visitor, consultants, and Secretary, but no longer, and the same shall not be eligible again till four years have intervened between their second and third nomination.

XXI. In case, that during the interval between one assembly and another, one of the four consultants should die, the remaining three shall fill up, by vote, the vacancy, for the residue of the term. The consultants shall also appoint a secretary in the same case and circumstances.

XXII. We will and command, that all the religious orders within

our dominions in the Netherlands, be under the government and direction, according to the order above-stated, of their superiors and congregations, subject to the superintendence of bishops and government.

XXIII. The superintendence of the bishops over all the monasteries, convents, &c. which resorted immediately from them hitherto, shall extend over all their ordinary jurisdictions.

XXIV. As for those monasteries of such orders as have been erected into congregations and which were not under the episcopal jurisdiction, they shall in future be as all others, subject to the superintendence of the said bishops.

XXV. The mode of dependence and subordination of friars towards their abbots and superiors, and of the latter towards the congregations and visitors invested with the power as expressed in the present edict, shall be regulated according to the constitution of their respective orders: But the superintendence of the bishops shall extend to those very congregations in every matter relative to ecclesiastical discipline in general.

XXVI. In consequence whereof the religious orders in general, and the houses thereto belonging, shall be superintended by their ordinary; and this episcopal superintendence shall consist in taking care that the said religious orders act agreeable to their constitutions; in examining whether the congregations and visitors discharge their trust with zeal, vigilance, and discernment; whether religious discipline is kept up with that energy and regularity it requires; whether, conformable to the rules and constitutions of the various orders, the churches are kept with requisite neatness and decency; and finally whether divine service is performed

performed with becoming dignity, and the sacraments are administered according to the established order.

XXVII. To this end the bishops are authorised to require of the congregation a full and circumstantial account of all that may have been determined therein in matters of spirituality and discipline. They may also when they think it fit, visit on the account above-mentioned, the religious houses, giving, however, notice thereof to the visitors, who shall obey the episcopal summons, and be present at their visits: And in case it should appear to the bishops that there are abuses to redress, or evils to remedy, they shall order the visitors to effect them within a certain time; and the said bishops shall give notice to the next assembly, of the orders given to the visitors, that the said assembly may conform thereto.

XXVIII. The heads of each house, visitors, and congregations, shall strictly adhere to the advice and orders given by the bishops upon the objects above-mentioned. And our officers, especially the superior courts of justice, shall give to the bishops all the assistance they may stand in need of for their visits and the orders given by them: and such orders, in case of recourse being had to the said courts, shall be provisionally carried into immediate execution.

XXIX. The full and entire abolition of all foreign authority over those of our subjects who lead a monastic life, and of which mention is made in article 1st, shall extend to, and be in full force in regard to convents or nunneries; declaring, that these shall henceforth be subjected to the congregations and visitors of the respective orders, to which, by their constitutions such nunneries belong, and that they shall be regulated by the said visitors and congregations, except such as have hitherto been subject to episcopal ju-

risdiction only, under which they are to remain.

XXX. We therefore strictly forbid all and every nunneries, all association or correspondence on matters concerning the direction of conscience, the discipline, or temporalities, with religious men or houses whatever, foreign to our dominions. We further enjoin under the pains provided by article 3, not to keep or admit in future, in quality of director or of temporal agents, such Priests or Friars as are not our natural subjects, and born and dwelling in the Netherlands. And this article shall be construed to extend to all female monasteries, which though under the jurisdiction of the Ordinary, have nevertheless some kind of affinity to, or intercourse with religious houses without our dominions.

XXXI. Of those nunneries that belong to none of the religious orders of the other sex, which are to be formed into congregation, our will is that they be governed and directed by the Bishop within whose diocese such nunneries are situate.

XXXII. In consequence of the foregoing ordinances and declarations, we forbid all religious houses, whether *conscriptural*, or of any other denomination whatsoever, to send any sum or sums of money to foreign parts, under the name of contribution, indemnity, maintenance, &c. or any whatsoever, relative to their situation, or that of their superiors, or to acknowledge themselves under any obligation on the above pretences, under a forfeiture of double the sum, and the dismissal of the superior.

XXXIII. And we also strictly forbid, under a penalty of 2000 florins, to be levied upon the monasteries, and the deposition of the offending superior, to import, or cause to be imported, from any foreign place whatever, prayer and all other books,
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of or belonging to the liturgy, or concerning the statutes, regulations, &c. of their respective orders; and we command, that at the first general assembly of each congregated order, as above-mentioned, such measures be taken as to have all the aforesaid books printed and published in some place or places within our said dominions, for the use of all religious houses.

XXXIV. We give it in charge to all our counsellors, and to all those whom it may concern, to watch, with the strictest attention, the full execution of all the heads and articles of the present edict, which we will have to be put in force without partiality or favour.

We therefore give it in command to all our well-beloved and trusty the chief presidents and members of our great and privy councils, &c. &c. to keep, observe, and adhere to the regulations herein stated, for so it pleaseth us. In witness whereof we have caused to be fixed to these presents the seals of her late Majesty, the Empress Queen Apostolic, our most dear and honoured mother of glorious memory, which are to be in use till our own is engraved.

Given in our city of Brussels, the 28th of November, 1781, and our reign, to wit, as Emperor of the Romans, the 18th, and as King of Hungaria and Bohemia the first.—
Signed by the Emperor in council.

For the REMEMBRANCER.

An authentic copy of the PROTEST of the LORDS of IRELAND.

Die Saturnis, Decembris 8, 1781.

Lord Arran rose, and begged leave to introduce heads of a bill for punishing Mutiny and Desertion, and moved to have it read for the first time, which being done,

The Archbishop of Cashel moved, that the second reading of the said heads of a bill be postponed for six months.

A debate ensued, and the house having at length divided, there appeared for the question,

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Majority for postponing the same for six months		—	33

DISSENTIENT.

1st. Because the heads of a bill proposed to the house go to the limitation of the Mutiny Law in point of duration.

2^{dly}. Because, since it is universally admitted, that a standing army in time of peace, though on account of the situation of other states tolerated from session to session, is contrary to the spirit, and dangerous to the existence of the constitution of these realms; and that a Mutiny Act, though expedient from necessity as the means of rendering such army effectual and serviceable, is, however, a law unconstitutional in its form, and full of danger in its tendency, we conceive that the making such law perpetual, may be attended by the most pernicious and fatal consequences.

3^{dly}. Because we conceive that in this point, as indeed in all others relative to the security of the constitution, we ought to imitate the cautious jealousy of the British Parliament, which has wisely reserved to itself the annual consideration of this hazardous law, and the faculty of an yearly grant or refusal of this enormous power to the crown; a caution which, for many obvious reasons, is infinitely more necessary in this kingdom than in that of Great Britain.

4^{thly}. Because we hold it to be an essential principle of constitutional safety, that parliament should for ever retain in its own hands the power of creating, limiting, and controuling the army, since no other privilege or franchise can safely exist, without recourse being had to the most desperate remedies, if the absolute and

and uncontrouled power of the sword be lodged in the hands of the executive: And though it may be alledged, that while parliament retains the exclusive right of dispensing the public money for the creation and maintenance of the army, and of refusing such supplies as may be necessary for this purpose, no danger is to be apprehended on the part of the Crown; yet we conceive, that in a matter of this momentous nature, where the essence of our rights and of our liberty is at stake, it is dangerously absurd to part with one defence, merely because another remains in our possession, or wantonly to give up the strong, important, and tenable outworks of our constitution, from an idea, perhaps ill-grounded, of the security of its internal strength:—We say, perhaps ill-grounded, because, that as in this kingdom his Majesty possesses an hereditary revenue already dangerously considerable, and which, like those maladies that grow upon our health and strength, must necessarily grow and encrease in proportion to the prosperity and commerce of the country, it appears to us by no means impossible, that at some future day the sovereign may be in possession of finances so fatally extensive, as to enable him to raise, or at least to subsist, a considerable army, without having recourse to parliament for any additional duties; not to mention that in an extreme, though improbable case, points may arise with respect to which the revenues of another country may be made subservient to the support of an army in this kingdom, for purposes the most fatal to the constitution thereof.

Our affection also for our sister kingdom, and our unalterable regard and watchful attachment to its rights and liberty, with which our own are so strictly interwoven, has concurred to induce us, with all our

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weight, to endeavour the limitation of a law, which in its present perpetual form, by enabling some future prince to make this country a place of arms, and to raise and maintain therein an uncontrouled and unconstitutional army, may endanger the liberty not only of Ireland, but of Great-Britain also.

5thly, Because the argument, the only one that has been relied upon in support of the utility of the perpetuating clause, which is drawn from the pretended danger of subjecting the British and Irish armies to different laws and different discipline, appears to us weak and ill-founded, inasmuch as it pre-supposes an incompetency in the Parliament of Ireland to regulate our own national army, and an insatiation of which no body of men whatsoever can be supposed capable. For can any man for a moment imagine, that the Irish Parliament, whose interest it is to make that army which it pays, as serviceable as possible, should by enacting regulations essentially differing from those which obtain in Great-Britain, wantonly, and for no possible reason, hazard the discipline of an army, raised and maintained at an expence so enormous and so grievous to the people: and even though the wisdom of Parliament were to be doubted, still a difference in the Mutiny Laws of the two kingdoms cannot be apprehended, as the consent of the common sovereign is necessary to both.

6thly, Because this last mentioned argument, if such it can be called, only excepted, all the other reasonings which we have heard in behalf of the measure, have endeavoured no more than to prove, that the act in its present form is not pernicious, without pretending to shew that it can be attended by any salutary consequence, or that a temporary law would not be preferable; so that at most the perpetuating clause is, by those

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those who support it, deemed unimportant; while, on the other hand, we who have opposed it, are determined in our belief, and have endeavoured to prove, that it is fatally dangerous; an opinion in which we are joined by the people at large, whose minds are in the highest degree agitated upon this subject, a fact which we know to be true, and which is clearly evinced by the many instructions presented to their representatives in parliament by the constituents of this kingdom. Is it then reasonable or expedient, that a measure deemed unimportant by those who support it, and which its warmest abettors have only endeavoured to prove inoffensive, should be so obstinately maintained against the fixed opinion of those who have loudly declared their apprehensions, and against the sense of a brave and loyal people, agitated and alarmed by a firm persuasion, that from the consequences of this law in its present form, all that is dear to them is at stake? And ought not rather an unimportant point to be yielded and given up, in order to calm those fears which to us appear but too well founded, and to quiet the minds of the people?

But it may be said, that it would be inconsistent in this house, which in the last session unanimously passed the law, at this time to consent to the desired alteration and limitation. In answer to which we must observe, that to be wiser to-day than we were yesterday, can never be urged to the disadvantage of any man, or body of men; that nothing is more usual than, that laws in one session passed unanimously, should in a subsequent session be amended; that many lords have now been present in their places who were absent on the day when this law passed,—some of whom would, to our certain knowledge, at that time have voted against the act in its present form. But, setting aside

all such arguments (however well founded) we maintain, that the question is now totally different from what it was when the law passed, and even though we had then voted for it, we should now think ourselves at perfect liberty, without incurring the blame of inconsistency, strenuously to oppose it. Some lords were then influenced in their vote, by the not unreasonable dread of the evil consequences which might ensue from leaving the army without any law to regulate it: but we are now in possession of a Mutiny Law, of which to attempt at limitation can possibly deprive us, and this danger is therefore perfectly done away. Others were inclined not to refuse a law, however clogged by circumstances disagreeable, and even dangerous, which they looked upon as a pledge of constitutional independency, and as a tacit dereliction of those unjust, arbitrary, and visionary claims, by which our constitution had, in these latter times, been insulted. But this point is now decided.—No Irishman will acknowledge, and no man will presume to insinuate, that any power upon earth can make laws for Ireland but her own national legislature; so that the sole question now is, whether we will have a Mutiny Act perpetual, or one limited in point of duration. A question concerning which, we cannot conceive, that there should have been a moment's debate; indeed, if any thing could again bring into discussion that exploded claim at which we have hinted, it might be the dangerous form of the present act.—But here we stop—many more reasons could we urge, and those too of the most decisive, and the most alarming nature, against this dangerous, this fatal measure.—But we stop here!—With trembling hands we probe the wounds of the constitution.—So perfect however is our conviction of the rectitude of our conduct upon this occasion,

occasion, that we pledge ourselves to this House, to our country, and to the empire at large, to omit no opportunity of exerting every constitutional endeavour towards the attainment of that purpose in which we have now been defeated; or if our efforts should still prove ineffectual, towards the defence of the constitution against those dangers, which are in our opinion so justly to be apprehended. And we enter upon the Journals this our solemn protest, not only as a perpetual record of the efforts we have made against this law in its present form, and of our innocence respecting those consequences which we dread, but also as an eternal memorial, for ever remaining on the Records of Parliament, to remind this House, the Commons of Ireland, and the people at large, in all succeeding times, of the absolute necessity of a constant, ardent, and unremitting perseverance in every legal and constitutional exertion, till such time as our united efforts shall have caused this law in all its obnoxious parts to be rescinded and done away. We call also upon our sister country with a warning voice, and conjure her by all she holds dear, by that glorious ardour in the defence of freedom, which has rendered her conspicuous among the nations, to co-operate with us in defeating this measure, and in averting the consequences of an innovation, which threatens not only our liberties, but her's also. And finally, in the most solemn manner, we call upon our posterity, who, when we shall be no more, shall inherit our honours and vote in this House as peers of the realm, if this national disgrace and danger should still remain, to follow the example we have now set them, and to exert all their powers towards the completion of that necessary purpose in which we shall have failed; and we devoutly pray, that if it should still be denied

to us, they may at last obtain the immortal honour of rescuing their country.

WESTMEATH,
MORNINGTON,
ARRAN,
MOUNTGARRETT,
ALDBOROUGH, (by proxy)
CHARLEMONT.

The following is an authentic List of the PENSIONS upon Ireland, added since the administration of the Earl of Buckinghamshire, from the List laid before the House of Commons of Ireland. (For the former list see the Narrative of the proceedings of the House of Commons of Ireland.)

Albert Nesbit, 20th August, 1781, £.1000

Wil. Caulfield, 20th Dec. 300

Edward Bulkely, ditto 250

Hen. Meredith, in trust for
Letitia Mere, and Judith } 200
Woodward, ditto

Richard Jones, Esq. ditto 400

Tho. Bernard Beamish, Esq. do. 300

Cha. Hen. Coote, ditto 300

J. Carrique Ponsonby, Esq. do. 400

Ponsonby Tottenham, Esq. do. 300

James Sommerville, Esq. ditto 300

James Sheill, Esq. ditto 200

Robert Sibthorpe, Esq. ditto 200

Sir Boyle Roche, himself, do. 200

John Evans, ditto 120

James Young 300

Robert Gamble, Esq. ditto 500

George Gamble, Esq. ditto 300

N. B. To pay his sister 100l. a year
out of it,

Edward Sterling, ditto 200

Lord Mayo, ditto 1033

Edward Tighe, Esq. ditto 400

Mary Anne Hamilton, ditto 500

Isabella Frances Francis, ditto 150

The Earl of Cavan, ditto 300

Jaue Ponsonby, widow, ditto 200

Mary Coote, wife of Guy M. Coote,
ditto — — 400

Sir J. Hasler, and Sarah his
daughter, ditto — } 150

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The

The Countess of Bellamont, }
 an addition to 800*l.* for- } 700
 merly given, *only*
 Captain H. Gore 100
 Admiral Rodney, 27th April,
 1781 — — 2000

This last pension is given for life,
 and after his death there is granted
 out of it, during their lives

To George Rodney, Esq. 1000

To ditto, in trust for dame

H. Rodney — 500

To John Rodney — 100

To Jane Rodney — 100

To Henrietta Rodney 100

And to Sarah Rodney at
 pleasure — 100

Edward Sneyd, Esq. and Ed-
 ward Story Clark, in trust
 for Catherine Hannah
 Sneyd, are put down in
 Feb. 1781, for £.300

Henry Grove, Esq. 11th
 April, 1781 — 100

Wil. Green, Esq. 18th July,
 1781 — 400

Catherine and Anne Ken-
 nedy, ditto — 100

During the Ministry of the Earl
 of Buckinghamshire, from Lady-
 day, 1777, to Lady-day, 1781, the
 pensions added amounted to 15,555*l.*

From the London Gazette.

January 12, 1782.

By the KING.

A PROCLAMATION.

Concerning the Distribution of prizes.

GEORGE R.

Whereas, by an order of our royal
 grandfather, his late Majesty King
 George II. in Council, bearing date
 the 22d day of March, 1747, it was
 ordered, that whenever any flag of-
 ficer should be appointed to com-
 mand a fleet or Squadron of twenty
 ships of the line of battle, whether
 all his Majesty's own ships, or united
 on the same service with those of his
 allies, such flag officers should be
 allowed a first Captain, with the pay
 and rank of Rear Admiral, and all

other privileges and profits belong-
 ing to the said post, in the same
 manner as was allowed to the first
 Captain of the Admiral of his Ma-
 jesty's fleet; but that the said ap-
 pointment should continue only
 during the time of the flag officer's
 command: and whereas we have
 been given to understand, that doubts
 have arisen upon the right of the first
 Captain to the Admiral and Com-
 mander in Chief of our fleet, and the
 first Captain to any flag officer ap-
 pointed to command a fleet or squa-
 dron of twenty ships of the line of
 battle, to share as a flag officer in the
 distribution of prizes, under, or by
 virtue of our proclamation appointing
 the distribution of prizes taken dur-
 ing the continuance of the rebellion
 subsisting in divers parts of the con-
 tinent of North America, bearing
 date the 22d day of December, 1775;
 and of our proclamation for granting
 the distribution of prizes during the
 present hostilities with the French
 King, bearing date the 16th day of
 September, 1778; and of our pro-
 clamations for granting the distribu-
 tion of prizes during the present ho-
 stilities with the King of Spain,
 bearing date the 25th day of June,
 1779; and of our proclamation for
 granting the distribution of prizes
 during the present hostilities with the
 States General of the United Pro-
 vinces, bearing date the 27th day of
 December, 1780; or any of them:
 and we being desirous to prevent in
 future any doubt or dispute upon the
 right of such first Captains respec-
 tively as aforesaid, to share as flag
 officers in the distribution of prizes,
 have thought fit to declare, order,
 and direct, and we do by this our
 proclamation, by and with the ad-
 vice of our Privy Council, declare,
 order and direct, that the first Cap-
 tain to the Admiral and Comman-
 der in Chief of our fleet; and also
 the first Captain to our flag officer
 appointed, or hereafter to be ap-
 pointed,

pointed, to command, a fleet or squadron of twenty ships of the line of battle, whether all our own ships, or united in the same service with those of our allies, shall, in the distribution of prizes under, or by virtue of our above-mentioned proclamations, and each of them, which shall be taken by the fleet or squadron under the command of such Admiral and Commander in Chief of such flag officer respectively, be deemed and taken to be a flag officer, and shall be entitled unto a part or share of such prizes, as the junior flag officer of such fleet or squadron; but our will and pleasure is, that this our proclamation be without prejudice to any question touching the distribution of prizes taken before the day of the date hereof. And whereas we judging it reasonable that the physicians appointed to fleets or squadrons of our ships of war, should be entitled to share in the distribution of prizes agreeable to their situation; we have thought fit to declare, order, and direct; and we do by this our proclamation, by the advice and consent of our Privy Council, declare, order, and direct, that every physician appointed, or hereafter to be appointed, to a fleet or squadron of our ships of war shall, in the distribution of prizes, under or by virtue of our above mentioned proclamations, and each of them, which shall hereafter be taken by the ship in which he shall serve, or in which such ship's company shall be entitled to share, be clasht with the sea Lieutenants with respect to the eighth part of such prizes, which by our said proclamations, is allotted to the Captains of marines and land forces, sea Lieutenants, and masters on board, and be allowed to share equally with them; provided such physicians be actually on board at the time of the taking of such prizes. Given at our Court at St. James's, the 11th day of January, 1782, in the 22d year of our reign.

God save the King.

Admiralty Office. Jan. 18, 1782.
The following is a list of prizes taken on the 12th of last month, by the fleet under the command of Rear Admiral KEMPENFELT, from the convoy of Mons. de GUICHEN's squadron, transmitted by the Rear Admiral in a letter to Mr. STEPHENS of yesterday's date.

The L'Enille, Pierre Scolan, Lieutenant de Frigate, commander, 350 tons, from Brest, arrived at Portsmouth, 31 seamen, 142 soldiers, including a Colonel and Lieutenant of infantry, laden with 10000 cannon balls, iron bars, steel, twine, and sail cloth, and 16 pieces of cannon.

The Guillaume Tell, Le Cou-drais, commander, 390 tons, from Brest, arrived at Portsmouth, 33 seamen, laden with cannon balls, howitzers, soldiers cloathing and accoutrements, flints, grenades, shells, and 535 barrels of gun-powder of 20lb. weight each, on the French King's account; and on the merchants, iron bars, rum, and provisions.

The Sophia de Brest, Jacques Francois Briffon commander, 160 tons, from Brest, arrived at Portsmouth, 22 seamen, laden with biscuit, shells of eight inches, grenades, and 29 chests of arms, on the French King's account; and on the merchants, provisions, cordage, and linen.

The London, Videax, Lieutenant de Frigate, commander, 350 tons, from Brest, arrived at Milford, 48 seamen, 201 soldiers, laden with shot and lead, sundry chests of small arms and artillery stores, cloathing, and bales of cloth for ditto, four months provisions for the soldiers, and six months provisions for the sailors; and some private trade.

The La Minerva, Pomelle, Lieut. de Frigate, commander, 300 tons, from Brest, arrived at Milford, 38 seamen, laden with bomb shells, shot, 55 chests of small arms, 10 ditto artillery

tillery stores; 40 artillery wheels, a quantity of private trade.

The L'Amitie Royale, 450 tons, from Brest, arrived at Tenby, 60 seamen, 111 soldiers, laden with 230 barrels of wine, 100 barrels of beef and pork, and a large quantity of other provisions, 20 tons of balls, 150 muskets, 20 tons of lead, powder, tents, &c.

The L'Abundance, Dupuis, commander, 600 tons, from Brest, arrived at Plymouth, 90 seamen, 248 soldiers, laden with ordnance stores, provisions, &c.

The L'Hero, Pierre de Sourde, commander, 160 tons, from Brest, arrived at Plymouth, 30 seamen, cargo not ascertained.

The Le Victoire, Jean Baptiste Tierenier, commander, 340 tons, from Brest, arrived at Plymouth, 21 seamen, laden with about 350 hogsheds of wine, 250 half barrels of pork, and 32 pipes of brandy, on the French King's account.

The Le Mercure, Jacques Boutel, commander, 500 tons, from Brest, arrived at Plymouth, 45 seamen, 10 servants, some officers, laden with about 100 bales of woollen goods, 150 jars of oil, 80,000 bricks, 3,500 barrels of flour, 60 hogsheds of wine, sundry merchandize and 4 caronades.

The Le Genereuv, Jean Baptiste Harrinondes, commander, 400 tons, from Brest, arrived at Plymouth, 40 seamen, 193 soldiers, laden with about 100 hogsheds of wine, 60 barrels of flour, 30,000 bricks, wine, brandy, beef, pork, biscuit, and sundry other articles.

The Marguerite, Francis Carousin commander, 160 tons, from Brest, arrived at Plymouth, 20 seamen, 1 officer, laden with a large quantity of soldiers cloathing, wine, brandy, and wet and dry provisions.

The Sophia de St. Maloe's, Pierre le Vigotte, commander, 250 tons, from Brest, arrived at Plymouth, 30 men, laden with brass cannon, shot,

carriages, travelling magazines, chests of muskets, and provisions.

The L'African, 350 tons, from Brest, arrived at Plymouth, 40 seamen, 160 soldiers, 100 hogsheds of red wine, 12 hogsheds of brandy, 200 barrels of beef and pork, 200 barrels of flour, and great quantities of other provisions, and 30 chests of fire arms.

One ship arrived at Falmouth, of which no account has yet been received.

Two or three of the French transport ships sunk by the squadron.

N. B. The total number of soldiers, by the foregoing account, appears to be 1062, and number of seamen, 548.

*Whitehall, Jan. 12, 1782.
Extract of a letter from Major-General CHRISTIE to Lord GEORGE GERMAIN, one of his Majesty's principal Secretaries of State, dated Barbadoes, the 15th of December, 1781. Received by the Ranger sloop of war.*

It is with real grief I am obliged to communicate the disagreeable news of the capture of St. Eustatius and St. Martin's, the 26th and 27th ult. by a handful of the enemy, not exceeding 300 men, who landed from three frigates, and some small craft, at Jenkinn's bay, at the back of the island, under the command of the Marquis de Bouille, without the smallest opposition from the garri-sons; the former consisting of 723, and the latter of 63 effective men, including officers.

*Admiralty Office, Jan. 12, 1782.
Extract of a letter from Rear Admiral Sir SAMUEL HOOD, to Mr. STEPHENS, dated Barbadoes, the 10th of December, 1781; received by Captain MONTGOMERY, of his Majesty's sloop the Ranger, who left Barbadoes the 16th ult. and arrived at Spithead the 9th instant.*
I sailed off from Sandy Hook on the 11th of last month, with his Ma-
jesty's

jetty's ships under my command *. And having previously dispatched the Nymphé and Belliqueux to reconnoitre the Chesapeake, the latter joined me at my rendezvous on the 16th, and informed me, that not a French ship was in the Chesapeake on the 10th. I immediately pushed away for my station, not caring to wait a moment for the Nymphé; and, without meeting with any occurrence in my passage deserving notice, I arrived here on the 5th, with all the line of battle ships, except the Royal Oak and Monarch, which parted company in a gale of wind and thick weather on the 17th.

N. B. It appears by another letter, that the Monarch arrived the 12th; and Captain Montgomery relates, that the Royal Oak had arrived also before he left Barbadoes.

Copy of a letter from the Marquis de BOUILLE, Governor General of Martinique, to the Marquis de CASPRAES, Minister and Secretary of State for the Marine Department, from St. Eustatius, the 26th of November, 1781.

SIR,

I have the honour to inform you, that his Majesty's forces have taken by surprize this day, the 26th, the island of St. Eustatius; that the garrison, consisting of the 13th and 15th regiments, of which the chasseurs and grenadiers only were detached to Antigua and St. Kitt's, and of which the present and effective men amount to 677, have been made prisoners of war. The Comte de Bouille, Colonel of infantry, will have the honour to present you the four colours of the two regiments, and the L'Aigle cutter will bring you the news.

This event accompanied with such extraordinary circumstances, is so very singular, that I think I ought to give you a detail of it.

Having learned that the garrison was very ill-guarded, that the Governor was in very great security, and having learned elsewhere a place for debarkment, which was not at all guarded, I supposed I should, by arriving at night with 1200 men, be able to take that important isle; in pursuit of which I quitted St. Pierre, at Martinique, on the 15th, with three frigates, one cutter, and four armed boats, which carried the troops, consisting of one battalion of D'Axerros, of 300 men, one of Royal Comtois, and one of Dillon and Walsh of the same number, and of 300 grenadiers and chasseurs of different corps. I caused a report to be spread that I should go down to the van of our fleet, and I should get up to the windward of Martinique, where, by means of a thousand contrary winds and currents, I could not arrive until the 22d, and on the 25th I arrived in sight of St. Eustatius. The disembarkation was made the same night; the light ships came to anchor, and the frigates rested under sail to bring their troops to land; but our pilots had mistaken, and only the boat in which was the Comte Dillon, with 50 chasseurs of his regiment, was able to effect the disembarkment. An unexpected rise of the sea, which flows from this coast, caused the loss of the boats, which were broken upon the rocks which lie concealed, and many soldiers were drowned. I arrived with the second boat, and disembarked, and my boat was overturned in the sea; but we were able to save the troops. We at length discovered a less dangerous place for landing, where, during the course of the night, we continued to land a large part of the troops which were in the boats, and in the Eagle cutter. The frigates having driven, at about an hour before day, there were not

- Seventeen sail of the line, two frigates, one fireship.

more than about 400 men on land, and there was no further hope of having the remainder of the troops, the greater part of the boats having been broken on the coast. Deprived of every means of retreat, there was nothing remained to draw us out of this position but to conquer the enemy, whose forces were almost double our number. The soldiers were full of ardour and courage; I thence decided on the attack. At half past four in the morning we were more than two leagues from the fort and garrison, when I set my troops in a very forced march for them. I ordered Comte Dillon, with the Irish, to march to the right of the garrison, and to dispatch a detachment to take the Governor in his house; and the Chevalier de Frashá, Major of the Royal Comtois, to march with 100 of the Auxerrois chasseurs and his regiment to the fort, and if he could not enter by the gate, to form an escalade; and the Viscount de Damas, with the rest of the troops to support his attack.

The Comte de Dillon arrived at the garrison at six o'clock, and found a part of the troops performing their exercise on the Esplanade; mistaking the Irish by their dress, they did not retreat until they received a close discharge, which wounded many of them. Governor Cockburn, who was at the place of exercise, was taken at the same instant by the Chevalier O'Conner, Captain of Walsh's chasseurs. The Chevalier de Fresne marched to the right of the fort, where the enemy had crowded themselves together, and arrived at the draw-bridge at the moment when they endeavoured to raise it. The Sieur de la Motte, Captain of the chasseurs d'Auxerrois, who had arrived at the entrance of the bridge, caused a discharge to be made upon the English, who quitted the chains of the draw-bridge, and cast themselves into the fort, whither they

were pursued by the chasseurs of the Royal Comtois. The Chevalier de Fresne caused the bridge to be lifted after them; and the English who were then in great numbers laid down their arms. At this moment the isle was taken, and we waited in the fort, and the English officers and soldiers came in there from every part, and surrendered themselves.— We had no more than ten soldiers killed or wounded, but the number of those of the enemy has been considerable.

I cannot express to you the ardour, the courage, and the patience, which the troops have shewn upon this occasion, and which was joined by the most exact discipline. Comte Dillon has given new proofs of his zeal and extreme activity. The Viscount de Damas, notwithstanding a very bad dysentery, conducted his troops with the greatest spirit. The Chevalier de Fresne, by his presence of mind and his courage, had added the greatest success to this enterprize; and the vigorous conduct of the Sieur de la Motte is worthy of the greatest praise, and merits the particular praises of his Majesty.

I cannot, without neglecting my duty, conceal my obligation to Chevalier de Girardin, the commander of our little fleet, who directed their operations; and also to the Chevaliers du Village, de Roccord, and Preneuf, commanders of the frigates and the cutter, who perfectly seconded us.

I had with me the Sieur de Geoffroy, chief engineer: you know all the services which that officer has done the King in his Colonies. The Sieur de Turmill did the function of Major General.

By a private letter I shall have the honour of demanding from you favours for the different officers.

I subjoin here the state of the garrison and artillery of the isle, consisting of 677 men and 68 pieces of cannon.

cannon. The English had made several handsome batteries since they have got into possession, and very little more is necessary to be added for the defence of the garrison.

I have sent the Viscomte de Damas to attack, with 500 men, the Isle of St. Martin; I have ordered them to take the fort *, to cast the cannon into the sea, and to bring away the garrison.

I found with the Governor the sum of one million, which, by the decision of the Court of London, was sequestered; it belonged to the Dutch, to whom, after authentic proofs of their property, I shall cause it to be remitted.

There were found here likewise about sixteen hundred thousand livres, money of the Colonies, belonging to Admiral Rodney, to General Vaughan, and the other Officers, produced by the sale of their prizes; with what I shall draw from the taking of five or six ships of the enemy in the road, the whole will make a total of from about eighteen hundred thousand to two millions of livres, which shall be divided according to the ordinance of prizes between the army and navy.

The English naval force in these seas, at the time of this operation, consisted of the *Russel* man of war, of 74 guns, which was careening at Antigua, and of eight frigates, of

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which there was four of 32 guns, but they were dispersed †.

I am, &c.

(Signed)

BOUILLE.

We have received the following interesting papers, respecting the execution of Colonel ISAAC HAYNES, the late commander of a regiment of American militia, who was executed at Charlestown, for being found in arms against this country, after having taken the oaths of allegiance to it on a former capture. They were delivered by himself to a friend who visited him, on the 2d of August, two days previous to his execution, with an express injunction that he should transmit them to the Delegates of South Carolina, at Philadelphia, to be laid before Congress, and afterwards to be made public.

NUMBER I.

To Mr. HAYNES.

26th July, 1781.

SIR,

I am charged by the Commandant to inform you, that a council of General Officers will assemble tomorrow at ten o'clock, in the hall of the Province, to try you. I am, &c.

C. FRASER,
Major of the Town.

R

NUMBER

* The Comte de Bouille has given as a report, that at his departure from St. Eustatius, the Isle of St. Martin, and the Isle of Saba, were reduced to the arms of his Majesty.

† Lieutenant-colonel Cockburn, of the 35th regiment, who commanded at St. Eustatius, after that island was taken by the French, declared, that among the money deposited with that of the Colony by Admiral Rodney and General Vaughan, there was a sum of 264,000 livres, which belonged to him, and which he demanded.—The Marquis de Bouille having assembled the superior officers of the corps to make them acquainted with the claim of Lieutenant-colonel Cockburn, they all agreed to return that money to the English Governor, which was done accordingly,

NUMBER II.

To Mr. HAYNES.

Thursday Evening, 27th July, 1781.

SIR,

I am ordered by the Commandant to acquaint you, that instead of a Council of General Officers, as is mentioned in my letter of this morning, a Court of Enquiry, composed of four General Officers and five Captains, will be assembled to-morrow at ten o'clock, in the Province-hall, for the purpose of determining under what point of view you ought to be considered.

You will immediately be allowed pen, ink, and paper; and any person that you chuse to appoint, will be permitted to accompany you as your counsel, at the same hour and place.

I am, &c.

C. FRASER,
Major of the Town.

NUMBER III.

To Mr. HAYNES, in the Provost's prison.

MEMORANDUM.

Sunday, 29th July, 1781.

The Adjutant of the town will be so good as to go to Colonel Haynes in the Provost's prison, and inform him, that, in consequence of the Court of Enquiry held yesterday, and the preceding evening, on his account, Lord Rawdon, and the Commandant, Lieutenant-colonel Nesbitt Balfour, have resolved upon his execution on Tuesday the 31st instant, at six o'clock, for having been found under arms, and employed in raising a regiment to oppose the British government, though he had become a subject, and had accepted the protection of that government, after the reduction of Charlestown.

(Signed) C. FRASER,
Major of the Town.

A letter from Colonel HAYNES to Lord RAWDON, and Colonel BALFOUR.

In the Provost's prison, 29th July, 1781.

My Lord, and Sir,

On Thursday morning I had the honour of receiving a letter from Major Fraser, by which he informed me, "That a council of general officers would be assembled the next day for my trial," and, on the evening of the same day, I received another letter from the same officer, acquainting me, "That instead of that, a Court of Enquiry would sit, for the purpose of deciding under what point of view I ought to be considered."—It was also told, "That any person whom I should appoint would be permitted to accompany me as my counsel." Having never entertained any other idea of a Court of Enquiry, nor heard of any other being formed of it, than of its serving merely to precede a Council of War, or some other tribunal for examining the circumstances more fully, excepting in the case of a spy; and Mr. Jarvis, Lieutenant Marshall to the Provost, not having succeeded in finding the person whom I named for my Counsel, I did not take the pains to summon any witnesses, though it would have been in my power to have produced many; and I presented myself before the Council without any assistance whatever. When I was before that Assembly, I was farther convinced that I had not been deceived in my conjectures; and I found that the members of it were not sworn, nor the witnesses examined upon oath; and all the members, as well as every other person present, might easily have perceived, by the questions which I asked, and by the whole tenor of my conduct, that I had not the least notion that I was tried or examined upon an affair on which my life and death depended.

Neither

Neither do I believe that the members themselves had an idea of that sort.

In the case of spies, a Court of Enquiry is all that can be necessary, because the simple fact, *whether the person is, or is not a spy*, is all that can be the object of their researches, and his having entered the lines of the enemy's camp, or the garrison, subjects him to military execution. As that accusation neither is, nor ever has been brought against me, I humbly conceive that the information which I received, namely, *that the Court would make enquiry concerning what point of view I ought to be considered under*, could not be taken as a sufficient notice of their having an intention to try me then, but could only be thought to signify that they were to take it into consideration whether I *ought to be looked upon as a British subject, or as an American*; that in the first case I should undergo a legal and impartial trial; in the second, I should be set at liberty on my parole.

Judge then, my Lord, and Sir, of the astonishment I must have been in, when I found that they had drawn me by surprise into a procedure tending to judgment, without knowing it to be such, and deprived of the ability of making a legal defence, which it would have been very easy for me to have done, founded both in law and in fact; when I saw myself destitute of the assistance of counsel or of witnesses; and when they abruptly informed me, that after the procedure of that court I had been condemned to die, and that in a very few days. Immediately upon receiving this notice, I sent for the lawyer whom I had originally chosen for my counsel. I here enclose his opinion concerning the legality of the process held against me; and I beg that I may be permitted to refer myself to him. I can assure you with the utmost truth, that I both

had, and have many reasons to urge in my defence, if you will grant me the favour of a regular trial; if not, (which I cannot however suppose from your justice and equity) I earnestly entreat that my execution may be deferred, that I may at least take a last farewell of my children, and prepare myself for the dreadful change.

I hope that you will return me a speedy answer; and am, with respect, &c.

ISAAC HAYNES.

NUMBER V.

Answer of Lord Rawdon and Colonel Balfour, to my letter of the 29th of July, and delivered on the 30th, at one o'clock, into the hands of the Town major (Frazer.)

"I have to inform you, that your execution is not ordered in consequence of any sentence from a court of enquiry, but by virtue of the authority with which the Commander in Chief in South-Carolina and the Commanding Officer in Charlestown are invested. And their resolves on this subject are fixed and unchangeable."—I then begged Major Frazer that he would seriously entreat the abovesaid officers to grant a respite, that I might have time to send for my children, and take of them the last farewell. At three o'clock, the Town-adjutant, (Cooper) brought me for answer, that my request was rejected.—On Tuesday, July 31, at one in the morning, the Deputy Provost, (Marshal) brought me information—“that it was time for me to prepare for death, as he had just received orders to that effect, and that I was to leave my apartment at five o'clock.”

In less than half an hour Major Frazer came in and delivered the following message:

“Colonel Haynes, I am so acquainted you, that in consequence of a petition

petition signed by Governor Bull and many more, as also of your prayer of yesterday, and the humane treatment shown by you to the British prisoners who fell into your hands, you are respited for forty-eight hours." I thanked the Commanding Officer for this respite: this gave me an opportunity of seeing my children.

The Major had hardly been gone a few minutes, when he returned to tell me that he had forgot part of his message: this was, "that if General Green should offer to expostulate in my favour, with the Commanding Officer, from that instant the respite would cease, and I should be ordered for immediate execution."

No. VI.

August 1st, 1781, three o'clock A. M. Mr. Cooper, the Town-adjutant, came in and read to me the following written message: "Lord Rawdon and Colonel Balfour have consented to grant to Mr. Haynes a respite for forty-eight hours."—My answer was, that "I thanked them."

No. VII.

Consultation on the case of Colonel Haynes, inclosed in his letter to Lord Rawdon and Col. Balfour.

Col. Haynes being detained in the Provost's prison, and taken, as it is given out, in arms against his Majesty, received from Major Fraser, on Thursday night, a notice in these words: "A Court of Enquiry, composed of four Staff Officers and five Captains, will assemble to-morrow, at ten in the morning, in the Province-hall, in order to determine under what point of view you ought to be considered."—The Court met at the time appointed, and the prisoner made his appearance. Neither the members nor witnesses were upon oath. The prisoner considering it only as a Court of Enquiry, which

was held previous to a formal trial, did not avail himself of the liberty granted him to employ counsel, nor did he produce any witness to ascertain a great number of facts tending to his defence, for which, indeed, he was allowed but a very short time. He was apprized this morning, that the said Lord and Colonel, on the rising of the said Court of Enquiry, came to the resolution of having the said Haynes executed on Thursday, July 31st. Query from the prisoner: "Are such proceedings authorised by any law, and is the subsequent sentence lawful?"

ANSWER.

I. In the notice given you, that the intention was to examine you before a Court of Enquiry, there is not, even according to the rules of martial law, a sufficient certainty, nor any express accusation which might be the object of the Court's enquiry, or of your defence.

II. No enemy can be sentenced to death in consequence of any military article, or any other martial process that I know of, without a previous trial, except spies, who, by the articles of war, are expressly debarred from that right.

III. No subject whatever can or ought to be deprived of his life, liberty, or fortune, unless it be by the unanimous award of his peers, and according to the laws of the country. And, to my knowledge, there is not a law which can authorise a judgment and sentence like that which they have taken upon themselves to pronounce in this affair. It is an invariable rule, established by law, that every man is to be deemed innocent till his guilt is proved; that being found or taken in arms does not argue criminality so far as to hinder the culprit from making his defence, either by proving a commission, or upon any other ground;

ground; and that many of those who had taken up arms have been acquitted upon such proofs.

IV. In consideration of the principles above adduced, I am positively of opinion, "that taking you in the light of an enemy, (not of a spy) the process carried on against you is not lawful; but if you are to be considered as a subject, such proceedings militate against, and are diametrically contrary to all laws."

(Signed) JOHN COLCOCK.
Charlestown, July 29, 1781.

The following is a proclamation issued by General Green, wherein he declares his intention of revenging the death of the unfortunate Colonel Haynes, by reprisals on the British officers.

PROCLAMATION.

By NATHANIEL GREEN, *Esquire*;
Major-general, commanding the American army in the Southern department.

Whereas Colonel Isaac Haynes, commanding a regiment of militia, in the service of the UNITED STATES, was taken prisoner by a party of British troops, and after a rigorous detention in the Provost's prison at Charlestown, was condemned and executed on the 4th of this month, in the most cruel and unjustifiable manner, in open violation of the cartel agreed upon between the two armies, for the release and exchange of all prisoners of war; and it being no less the duty than the inclination of the army to resent every violence offered to the good citizens of America, to discountenance all those distinctions which they have endeavoured to establish, in making a difference in various orders of men, found under arms for the support of the INDEPENDENCE of the UNITED STATES; and further considering that these violences are committed with a view of terrifying the good people, and

by that means preventing them from acting in conformity with their political interests and private inclinations; and that this method of trying and punishing, in consequence of those distinctions, is no less opposite to the spirit of the British, than it is inclusive of an unwarrantable infringement of all the laws of humanity, and the rights of the free citizens of the UNITED STATES; from these considerations I have thought proper to issue the present proclamation, expressly to declare, "That it is my intention to make reprisals for all such inhuman insults, as often as they shall take place." And whereas the enemy seems willing to expose the small number of the deceived and seduced inhabitants, who are attached to their interests, if they can but find an opportunity of sacrificing the great number that have stood forth in defence of our cause; I farther declare, "that it is my intention to take the officers of the regular forces, and not the seduced inhabitants who have joined their army, for the objects of my reprisals."—But while that I am determined to resent every insult that may be offered to the UNITED STATES for having maintained our INDEPENDENCE, I cannot but lament the necessity I am under of having recourse to measures so extremely wounding to the sentiments of humanity, and so contrary to the liberal principles upon which I wish to conduct the war.

Given at the Head Quarters at Camden, 26th of August, 1781, in the sixth year of American Independence.

(Signed)

NATHANIEL GREEN.
(and beneath)

By order of the General,
WILL. PIERCE, jun.
Aid de Camp and Secretary.

Copy

Copy of a letter written by General MURRAY, Governor of Minorca, to the Duc de CRILLON, Commander in Chief of the Spanish forces at Mahon.

Fort St. Philip's, Oct. 16, 1781.

"SIR,

"When your brave ancestor was desired by his Sovereign to assassinate the Duke de Guise, he returned the answer which you should have done, when the King of Spain charged you to assassinate the character of a man whose birth is as illustrious as your own, or that of the Duke de Guise. I can have no further communication with you but in arms. If you have any humanity, pray send cloathing to your unfortunate prisoners in my possession; leave it at a distance to be taken up for them, because I will admit of no contract for the future, but such as is hostile in the most inveterate degree. I am, Sir, your obedient humble servant,

JAMES MURRAY.

P. S. Your soldiers do not act with that honour they should do, they having attempted to corrupt one of my drummers yesterday, who was at your first post."

Answer from the Duke de CRILLON.. Mahon, Oct. 16, 1781.

"SIR,

"Your letter places us each in our proper station; it confirms me in the esteem I have always had for you. I accept with pleasure your last proposition, and am, your Excellency's most humble and obedient servant,

B. B. Duc de CRILLON."

"Your drummer should not have mixed himself with the soldiers from my first post; I shall give orders to punish those who have committed the offence you have complained of; I send the cloaths for the prisoners in your possession.

B. B. Duc de CRILLON."

For the REMEMBRANCE, To PHILLIP FRANCIS, Esq.

SIR,

You will, I hope, excuse me for making this work the channel of reply to a pamphlet, intitled "The State of India,"* which is either written by yourself, or under your immediate directions; the time chosen for the publication of it, immediately before the meeting of Parliament, leaves me no other mode.

Why Mr. Hastings's letter to the Directors of the 2d December, 1780, is now published, I know not. The investment has not been stopped or even reduced; but surely, as we were circumstanced at that time, Mr. Hastings acted prudently in preparing the Directors for an event which might have happened.

I am equally at a loss to account for the publication of Affolpeul Dowlah's letter of the 19th November, 1779. You, Sir, well know the real causes of the impoverished state of Oude. Will you state to the House of Commons the great supply of specie brought to Calcutta from that country, and its formerly dependent province Benares, since the extension of our influence by Mr. Hastings's negotiations with the late Vizur in 1773. If you do this, the distress of a country, with little foreign trade, and without mines, for the want of circulating specie, will at once be accounted for. In your letter to the Directors, of the 29th November, 1781, you say the Vizier's country is irretrievably ruined. Perhaps, Sir, you may recollect a conversation which I had the honour to hold with you in Calcutta, in April, 1781. You then were pleased to make a similar declaration to me. You affirmed to me, that our forces stationed in Oude, could no longer be paid from its revenues. Yet, Sir, they were paid in the De-

* Vide State of India, printed for J. Debrett.

ember following, five lacks of roupees were sent in specie from Lucknow to Calcutta, and Mr. Middleton, when he took charge of his office, supplied Colonel Camac's detachment with cash.

The Governor-general and yourself have already urged every thing that can be said on the subject of the Maratta war in your several minutes, and these will doubtless be laid before the House of Commons. You insinuate that Mr. Hastings now wishes to throw his portion of guilt in the Maratta war upon his neighbours. You well know, Sir, that Mr. Hastings is as much a stranger to political as to personal fear. It would be improper in me, only two days before the meeting of Parliament, to enter upon a subject which the Secret Committee is so much more able to investigate thoroughly, nor will time, or the bounds of such a publication as this, permit it. For the present, therefore, I shall barely state a few facts.

On the 23d January, 1778, Mr. Hastings brought before the Board a plan, by which, if carried into execution, he hoped to put an effectual stop to the disputes between the gentlemen of Bombay and the Marattas. On the 28th of January, whilst this minute lay for consideration, the Bombay letter, of the 12th December, 1777, arrived in Calcutta.—The Bombay plan was adopted by the majority of the Supreme Council. The Directors were fully informed of every step taken in Bengal. Your objections, and Mr. Wheeler's were at the same time before them.—These advices were received in London, on the 26th July, 1778, and on the 1st September following, Colonel Capper was dispatched over land with letters to Bombay and Bengal, strongly approving the measures of both Presidencies. The first general letter, of 1779, contained a repetition of their approbation in

strong terms, for the very reasons assigned by Mr. Hastings, the necessity of counteracting the French intrigues at Poona. *Upon this very principle*, Mr. Hastings proposed to enter into a treaty with the Raja of Berar, when he supposed, and with great reason, that the Gentlemen of Bombay had relinquished their plan in favour of Ragoba, and when we had received intelligence, that war with France was actually declared, this negotiation failed. The cause is fully explained in the minutes which will be laid before the House of Commons. The subsequent events are well known: but, Sir, there is one declaration of yours which, I confess, astonishes me. That on the 24th May, 1779, it was Mr. Hastings's object to precipitate a third rupture with the Marattas. I am at a loss to conceive what foundation you can have for this assertion. Mr. Hastings, I believe, upon my honour, did anxiously wish to accommodate our differences with the Marattas, upon the terms of Colonel Upton's treaty, and he looked to that event, *as the termination of all his political views on the Malabar coast*. The expression was his own, but he spoke the sentiments of every member of the Board. What happened? the Marattas peremptorily required us to give up the person of Ragoba, and to cede Salsettee to them. Did you or Mr. Wheeler propose to make such concessions to avoid the war?

Why Mr. Hastings, in June, 1780, wished to pursue a different conduct towards Madje Sindca, from that which he professed in May, 1779, will appear by reading those minutes which brought on the unfortunate disputes between you and Mr. Hastings. (These minutes will soon appear in public.)

Mr. Hastings has explained his reasons to the Directors for advancing three lacks of roupees to the army of Moodagee Boosla. If his reasons are

not

not satisfactory, the Directors know, and will, of course, take proper measures in consequence? the whole of this transaction will shew Mr. Hastings's parity as well as skill. I will add, that the man whom you call the Governor-general's authorised Agent, has nothing to conceal from the Secret Committee, but will at all times be ready to answer any questions they may be pleased to put to him.

Nizam Ally Cawn's resentment to us, was not in Bengal attributed to any other cause than that assigned by the Governor-general, the demand by the government of Fort St. George, that he should give up the arrears and future payment of the rent stipulated by the treaty of 1768 and their taking possession of the Guntoon Circar, and I always understood you were then of the same opinion. This, however, is a point which must soon be cleared beyond a doubt.

You say, Sir, that Mr. Francis, and Mr. Wheeler had no personal enmity to Sir Thomas Rumbold—do you mean to imply, that Mr. Hastings, in his public conduct to him, was influenced by any personal motives? I do assert that Mr. Hastings could have no personal motives to gratify. On the contrary, he always expressed himself much obliged to Sir Thomas Rumbold, for supporting him very honourably at a most critical period, when that gentleman had a seat in the direction.

You say, Mr. Hastings is supported by a powerful party in England, &c. This circumstance is surely highly to his honour. He was an unconnected individual when he was struck at in 1776, he was then supported by independent proprietors, convinced of his ability and integrity; he is now supported by some of the most respectable characters in the kingdom, convinced of that

ability and integrity. Can stronger proofs of superior merit exist? Do you deny Mr. Hastings the credit of providing the funds for discharging the bond debt in the first year of the administration of the Supreme Council? Would it not have been discharged if the old administration had continued?

Many illiberal and inflammatory paragraphs have been published in newspapers respecting Mr. Hastings; it would be an endless task to reply to them all, but there is one very serious accusation contained in the extract of a letter from Calcutta, dated the 15th January, 1781, and published in the Morning Intelligencer of the 11th inst.

“That Mr. Hastings had remitted considerable sums to Europe through the Dutch Company.” Of all ground of accusation, this is the last I could suppose, could have been taken, either as to the quantity or manner of remittance. If you know of such, I request you will lay the whole transaction before the public. I have the honour to be, Sir, your most obedient humble servant,

JOHN SCOTT.

SIR,

For the reasons mentioned in my former letter, I shall continue to address any remarks I may have to make on its subject to you.

The politics of India have opened a wide field for controversy, in which you took a very early and decided part against Mr. Hastings, and in which so much hath been written by each of you, in support of your different opinions, that no new light can be thrown upon the subject.

A more powerful motive would have prevented me from intruding an opinion, or offering any remarks at this particular juncture, which is, that this important subject is under consideration and enquiry of the Legislature. They have both the means and

And the ability of investigating it fully; and though at those tribunals it must meet with a dispassionate and unprejudiced hearing, yet while any remarks are ushered into the world, which have an evident tendency to bias the mind against the conduct of the Governor General, it is a duty his friends owe to him, to endeavour to obviate their bad effects. I shall therefore proceed to remark on some of the facts stated in your pamphlet.

You say, par. 11, "Within a year after the arrival of General Clavering, Colonel Monson, and Mr. Francis, in Bengal, a bonded debt of a hundred and ten lacks was paid off; and from the year 1775 to 1780, above a hundred and ten lacks per annum, one year with another, was allotted and paid to the Commercial Board, out of the territorial revenues, for the purchase of an investment for the East-India Company."

These words plainly assert, that General Clavering, Colonel Monson, and Mr. Francis, paid off a bonded debt of an hundred and ten lacks; and the implied sense of them is, that the merit of paying off this debt is due solely to these three gentlemen; whereas the very reverse is the fact: when Mr. Hastings came to the government, he found a debt existing of above a hundred and twenty lacks of rupees. Previous to the arrival of these three gentlemen, part of this had been paid off, and funds had been provided for the discharge of the whole. From these funds the remaining hundred and ten lacks were paid, and to the resources found by him did these gentlemen apply. To him, therefore, and to him alone, is the Company indebted for relieving them from this burden.

You say, page 47, "For the present opposing one assertion to another, it is sufficient to say, that the merit or demerit of the Mahratta war, be-

longs solely to Mr. Hastings." To this I shall only reply, by saying, that I adopt Mr. Francis's phrase, and re-assert, that the Mahratta war is not solely belonging to Mr. Hastings; that if, according to his own argument in the succeeding paragraph, the consent and approbation of a superior power, first had and obtained, constitutes responsibility, it will be found, on enquiry, that Mr. Hastings's assertion is strictly true; on this point, therefore, let issue be joined, whether Mr. Hastings is, or is not, the author of the Mahratta war; and as the Secret Committee have this very subject under consideration, with every possible information in their power, it would be both improper and disrespectful to urge the matter any further.

Page 51, line 16, to the end of page 60, you say, "It is of little moment to the present question, whether," &c.

I agreed with you, Sir, that it is of little moment to Mr. Hastings, as a general proposition, whether the conduct of the Presidency of Fort St. George towards the Nizam, can be defended or not; but it is very essential to the Governor-general, that his conduct and theirs should be distinctly marked, and that the consequences of their acts should not be attributed to him. You say, that the Nizam complained of their conduct with reason, it was not, and could not be, the cause of the plan of the confederacy formed by Nizam Ally Cawn, about the middle of the year 1779.

The fact is, that the Nizam declared to Mr. John Holland, the Resident at his court, on the 12th of August, 1780, that he had resisted all the attempts made by the Poona Ministry, to induce him to act against us; that the part he *had* taken, was *entirely* owing to the behaviour of the gentlemen of the Madras Presidency.

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You proceed to say, "The truth is, that the Nizam's resolution to endeavour to unite all India against the English, took its rise from an act of Mr. Hastings's, in which the interest and safety of the Nizam were much more deeply concerned than they could be by any disposition of the Guntour Circar, or by the detention of a paltry tribute of three lacks of rupees a year."

You then quote a partial extract from Mr. Elliot's instructions, dated in July, 1778.—Here again, I might with great justice retort your own method of argument, and say, for the present, opposing one assertion to another, "this is not a true state of the case." This, however, is not sufficient for Mr. Hastings's justification, which I may venture to say, will be clearly established whenever this matter is properly enquired into. The Secret Committee will not be satisfied with either your assertion or mine, when they can have more ample information, nor with partial extracts, when they can have the whole records to appeal to. But allow me to say, Sir, that even admitting your premises, which I do not, you have by no means established your conclusion. You must prove, Sir, that these instructions were made known to him, between the end of July, 1778, and the middle of the year 1779; you must prove, that from the time he received this knowledge, he entered into the confederacy, and (which is the ground of all proof) that he did really enter into such confederacy.—Until you have established these facts, I apprehend your conclusion cannot be admitted; and in the mean time, I will beg leave to inform the public of some circumstances which are strong presumptive proofs, that the Nizam did not know what Mr. Elliot's instructions were, and that he acted the part he did from his re-

sentment of the conduct of the Madras Presidency; and moreover, that you yourself were of that opinion.

In a conference with the Nizam had with Mr. John Holland, he denies having entered into that confederacy which had been reported of him, but justifies the part he had taken against the English on this plan, *The disposition of the Guntour Circar, and the detention of the Peshawh*; but he does not say a word of the instructions to Mr. Elliot; on the contrary, he speaks in the warmest terms of praise of Mr. Hastings. Supposing with you, that so trifling a thing as this Circar, and so paltry a one as the tribute, could not be the cause of his resentment, when he had a much greater to alledge, is it not very singular, that he should totally omit the mention of this *greater*? Is it not also very singular, that he should speak in terms of respect and confidence in the justice of Mr. Hastings, whom you alledge to have given him such real cause of offence, and use the language of reproach to the gentlemen of Madras, who, in comparison, had been trifling aggressors?

It appears also very singular, that you, Sir, should now alledge these instructions to have given rise to the Nizam's conduct, when you had, on other occasions, censured the gentlemen of Madras, for the very conduct which, in your late publication, is evidently palliated, and at *that time* accuse them of being the authors of that resentment which you now attribute solely to Mr. Hastings. Surely, Sir, you forget, that in the *unanimous* condemnation of the proceedings relative to the Guntour Circar, you say, (for that paragraph was penned, as I well recollect, by yourself) in the letter from Bengal to Fort St. George, of the 14th of February, 1780, that the acts done by that Presidency, without literally
announcing

announcing war, tended directly to provoke it, or to render it inevitable.

I have the honour to be,

Sir,

Your most obedient humble servant,

JOHN SCOTT.

No. 9, Cockspur-street, January 24, 1782.

SIR,

You will, I hope, excuse me for making the Remembrancer the channel of reply to a pamphlet, intitled, "The State of India," &c. which is either written by yourself, or under your immediate directions; the time chosen for the publication of it, immediately before the meeting of Parliament, leaves me no other mode.

Why Mr. Hastings's Letter to the Directors of the 2d December, 1780, is now published, I know not. The investment has not been stopped or even reduced; but surely as we were circumstanced at that time, Mr. Hastings acted prudently in preparing the Directors for an event which might have happened.

I am equally at a loss to account for the publication of Apolph ul Dowlah's Letter of the 10th November, 1779. You, Sir, well know the real causes of the impoverished state of Oude. Will you state to the House of Commons the great supply of specie brought to Calcutta from that country, and its formerly dependent province Benares, since the extension of our influence by Mr. Hastings's negotiations with the late Vizir in 1773. If you do this, the distress of a country, with little foreign trade, and without mines, for the want of circulating specie, will at once be accounted for. In your letter to the Directors, of the 29th of November, 1781, you say the Vizir's country is irretrievably ruined. Perhaps, Sir, you may recollect a conversation which I

had the honour to hold with you in Calcutta, in April, 1780. You then were pleased to make a similar declaration to me. You affirmed to me, that our forces stationed in Oude, could no longer be paid from its revenues. Yet, Sir, they were paid to the December following, five lacks of rupees were sent in specie from Luckmore to Calcutta, and Mr. Middleton, when he took charge of his office, supplied Colonel Lamée's detachment with cash.

The Governor-general and yourself have already urged every thing that can be said on the subject of the Mahratta war in your several minutes, and these will doubtless be laid before the House of Commons. You insinuate that Mr. Hastings now wishes to throw his portion of guilt in the Mahratta war upon his neighbours. You well know, Sir, that Mr Hastings is as much a stranger to political as to personal fear. It would be improper in me, only two days before the meeting of Parliament, to enter upon a subject which the Secret Committee is so much more able to investigate thoroughly, nor will time, or the bounds of such a publication as this, permit it. For the present, therefore, I shall barely state a few facts.

On the 23d January, 1778, Mr. Hastings brought before the Board a plan, by which, if carried into execution, he hoped to put an effectual stop to the disputes between the Gentlemen of Bombay and the Mahrattas. On the 28th of January, whilst this minute lay for consideration, the Bombay letter, of the 12th December, 1777, arrived in Calcutta. The Bombay plan was adopted by the majority of the Supreme Council. The Directors were fully informed of every step taken in Bengal. Your objections and Mr. Wheeler's were at the same time before them. — These advices were received in London, on the

26th July, 1778, and on the 1st of September following, Colonel Capper was dispatched over land with letters to Bombay and Bengal, strongly approving the measures of both Presidencies. The first general letter, of 1779, contained a repetition of their approbation in strong terms, for the very reasons assigned by Mr. Hastings, the necessity of counteracting the French intrigues at Poona. *Upon this very principle*, Mr. Hastings proposed to enter into a treaty with the Raja of Berar, when he supposed, and with great reason, that the Gentlemen of Bombay had relinquished their plan in favour of Ragoba, and when we had received intelligence, that war with France was actually declared. This negotiation failed. The cause is fully explained in the minutes which will be laid before the House of Commons. The subsequent events are well known: But, Sir, there is one declaration of your's, which, I confess, astonishes me. That on the 24th May, 1779, it was Mr. Hastings's object to precipitate a third rupture with the Mahrattas. I am at a loss to conceive what foundation you can have for this assertion. Mr. Hastings, I believe, upon my honour, did anxiously wish to accommodate our differences with the Mahrattas, upon the terms of Colonel Upton's treaty, and he looked to that event, *as the termination of all his political views on the Malabar coast*. The expression was his own, but he spoke the sentiments of every Member of the Board. What happened? the Mahrattas peremptorily required us to give up the person of Ragobd, and to cede Salsettee to them. Did you or Mr. Wheeler propose to make such concessions to avoid the war?

Why Mr. Hastings, in June, 1780, wished to pursue a different conduct towards Madjie Sindca, from that which he professed in May,

1779, will appear by reading those minutes which brought on the unfortunate disputes between you and Mr. Hastings. These minutes will soon appear in public.

Mr. Hastings has explained his reasons to the Directors for advancing three lacks of rupees to the army of Moodagre Boosta. If his reasons are not satisfactory, the Directors know, and will, of course, take proper measures; in consequence, the whole of this transaction will shew Mr. Hastings's purity as well as skill. I will add, that the man whom you call the Governor-general's authorised Agent, has nothing to conceal from the Secret Committee, but will at all times be ready to answer any questions they may be pleased to put to him.

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to his honour. He was an unconnected individual when he was struck at in 1776, he was then supported by independent Proprietors, convinced of his ability and integrity; he is now supported by some of the most respectable characters in the kingdom, convinced of that ability and integrity. Can stronger proofs of superior merit exist? Do you deny Mr. Hastings the credit of providing the funds for discharging the Bond Debt in the first year of the Administration of the Supreme Council? Would it not have been discharged if the old Administration had continued?

Many illiberal and inflammatory paragraphs have been published in news-papers respecting Mr. Hastings; it would be an endless task to reply to them all, but there is one very serious accusation contained in the extract of a letter from Calcutta, dated the 15th of January, 1781, and published in the Morning Intelligencer of the 11th ult.

"That Mr. Hastings had remitted considerable sums to Europe through the Dutch Company." Of all ground of accusation, this is the last I could have supposed, could have been taken, either as to the quantity or manner of remittance. If you know of such, I request you will lay the whole transaction before the public.

I have the honour to be,

Sir,

Your most obedient humble servant,
JOHN SCOTT.

The following is a copy of the requisition, which was delivered on the 9th instant, by Mr. Adams, the Minister Plenipotentiary from the United States of America, at the Hague, to the President of the Assembly of their High Mightinesses:

"SIR,

"On the 4th of May I had the honour of a conference with the Pre-

sident of the Assembly of their HIGH MIGHTINESSES, in which I informed him, that I had received a commission from the United States of America, with full powers and instructions to propose and conclude a friendly and commercial treaty between the UNITED STATES OF AMERICA, and the UNITED PROVINCES OF THE NETHERLANDS. In the same conference I had the honour of demanding an audience of their HIGH MIGHTINESSES, for the purpose of presenting my credentials letters, and my full powers. The President assured me, that "he would import all that I had said to their HIGH MIGHTINESSES, that the affair might be transmitted to the different Members of the sovereignty of this country, to undergo their deliberations and decisions." I have not yet been honoured with an answer; and, on that account I have now the honour of addressing myself to you, Sir, to demand of you, as I now do demand, a CATEGORICAL ANSWER, which I may transmit to CONGRESS.

J. ADAMS."

The States committed this paper *ad referendum*.

Copy of a NOTE delivered by Prince Gallitzin, Envoy from her Majesty the Empress of all the Russias, to Mr. Secretary Fagel, and presented last Tuesday to the Assembly of their High Mightinesses.

"Her Imperial Majesty of all the Russias, having reflected on the loss of time occasioned by the correspondence relative to the complaints brought by the subjects of the neutral powers, her allies, respecting the vexations and violences they sometimes suffer in their trade, is sensible that it would be a very essential thing to furnish the Ministers of the Allied Powers with sufficient instructions for all cases of that nature:

ture: To that effect, her Imperial Majesty has judged proper to propose also to their High Mightinesses the necessity and utility of the general orders and instructions on that object, with which they ought to provide their Ministers, residing at the Courts of the Belligerent Powers, Her Imperial Majesty is even of opinion, that it would be indispensibly necessary to particularize the instructions in question in so ample a manner, that the Ministers may never be reduced to wait for further orders, but, on the contrary, that in all cases of that nature they be authorized to support one another effectually in their complaints and proceedings, by making a common cause, and, without hesitating, interest themselves in the first complaints of the respective subjects of their Sovereigns, who claim their assistance.—Her Imperial Majesty has already sent to her Ministers residing at the Belligerent Courts, the instructions requisite for that purpose. Certainly none of them will fail to contribute to the welfare of the common cause, conformably to the mutual engagement, and to what her Imperial Majesty has caused to be proposed to her other allies.”

The Speech of his Excellency PATRICK TONYN, Esq. Governor of East Florida, to both Houses of Assembly, on Thursday the 29th day of March, 1781, being the first Session of the first General Assembly of the said Province.

Honourable Gentlemen,
Mr. Speaker, and Gentlemen of the Assembly,

I am happy that during my administration of the government of this Province, it hath arrived at such a state of affluence and importance, as to enable me with propriety to fulfil his Majesty's most gracious en-

agements in his Royal Proclamation of the 7th of October, 1763, by establishing a Provincial Legislature; for the purpose of making constitutions, ordaining laws, statutes, and ordinances, as near as may be agreeable to the laws of England, under such regulations and restrictions as are used in other Colonies for the public welfare, and good government of this province and its inhabitants.

To this period his Majesty's honourable Council have acted as a Privy Council with respect to matters of Government, and I am greatly indebted to that honourable Board for their ready assistance, and the candour they have ever discovered, in giving their opinions on such points as were laid before them.

From this date they assume the authority and privileges of an Upper House of Assembly, in a legislative capacity. And you will, honourable gentlemen, I am convinced, maintain the same regard to the constitution, the same loyalty to his Majesty, and attention to the true interest of this Province, which hath been your ruling principles in the capacity of Privy Counsellors.

It hath been frequently represented to me by the Grand Juries of this Province, that local laws were much wanted, and that a Provincial Legislature would be beneficial to the community. I laid these presentments before his Majesty's Council, who concurred with the Grand Jurors, that Provincial laws were wanted; but, sensible that numberless expences and hardships unavoidably attend forming new settlements, and imagining that it would be expected the instant a Provincial Legislature existed, taxation for defraying the expence of Government should be imposed, I thought it more eligible to suffer a few inconveniencies, than either to burthen you in an infant state, or disappoint the

the reasonable expectations of our most gracious Sovereign, and an indulgent mother country, by whose patronage, care and support, we have been fostered and protected at a time of general revolt, when the untoward behaviour of the other Colonies might have justly induced the most benign Prince in the world to alienate his affections from such contumacious and refractory children, and the Parliament to withdraw its aid from breeding up others, that like them might prove unworthy and ungrateful.

Of late, Gentlemen, the increase of property, from your success in commerce and planting, have been considerable; and the industry and judgment of a few might evince to Great Britain, that ample returns in produce may be made for money laid out in raising a produce, equally beneficial to the planter and the mother country, in one of the most healthy and fertile climates upon earth.

These, and other motives, impelled me to summon the Freeholders of this Province, to elect Representatives to act in the House of Assembly, for the purpose of assisting in framing laws, statutes, and ordinances, for the good government of the Province, whose Representatives, gentlemen, you are; and I do assure you, that I shall most dispassionately and cordially concur with you, in framing such laws and ordinances, as best correspond with the constitution and laws of England, and best suit with our local situation and circumstances; and that I am equally zealous of preserving inviolate the liberties of the Crown.

My address to you, Gentlemen, upon the present auspicious occasion, shall be short, confident of your loyalty to the King, and attachment to the constitution, and that you have a perfect knowledge of the true interest of this colony.

Framing laws for the regulation of the conduct of the members of a community, have ever been deemed a most momentous and important object, they require the most penetrating discernment, and soundest deliberations; and particular circumspection is necessary at this alarming crisis of public affairs, and general revolt of the Colonies.

A revolt which I cannot mention without the greatest indignation, and in which they have so wickedly and obstinately persevered, that by their new and unnatural political alliances, they have sacrificed to their caprices and prejudices their most sacred rights, religious and civil, renounced their allegiance to the mildest and best of Kings, and their attachment to the most beneficent of mother countries, and have attempted to destroy a constitution under which they possessed a freedom restrained only by the most wholesome and beneficial laws, and all the sweets of good government, without feeling the weight of its support and maintenance.

The result of your deliberations, Gentlemen, will not only be of consequence to this Province, but to his Majesty's government in general, and it will at least give a tincture to future Assemblies; and as one of the chief reasons assigned for this unnatural rebellion is, the Colonies refusing to acknowledge the supreme right and authority of the British Parliament, to prevent as far as possible any future contest upon so just and equitable a point, I hope your good sense, and attachment to the constitution, will lead you in the most public and avowed manner, by an act of the Provincial Legislature, to recognize your allegiance to the blessed Prince upon the throne, and the supremacy of Parliament, thereby to establish upon the most solid foundation our constitution, liberties, and dependencies.

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As the King and Parliament have, with an astonishing and unprecedented condescension, relinquished their just right of taxation, provided the Provincial Legislature will make due provision for defraying a reasonable part of the expences of the government of the empire at large, and for the internal government of the Colony; I trust that you, Gentlemen, in the first moment of our existence, will make a provision appropriated to these important purposes, more as a mark of your regard to justice, and affection and gratitude for the government under which we have been protected, and generously fostered and maintained, than for any immediate real service our supply can afford it.

The quota you in your present circumstances can make, I am sensible will not be adequate to the expences of the provincial government; but I am confident that such provision, appropriated as I mention, will be an additional motive with our most gracious Sovereign to continue his immediate protection, and to an unprejudiced and liberal Parliament its bounty in our progression towards maturity.

In my correspondence with his Majesty's principal Secretaries of State, I have ever represented the inhabitants of this province loyal, and well attached to his Majesty's person and government, and ready, upon every occasion, to assist by their personal services; and I take this opportunity of returning my thanks to those gentlemen who, with a manly spirit, served in the militia upon the repeated invasions of this province.

I presume, Gentlemen, I have no occasion to mention, that the present situation of public affairs, surrounded as we are on all sides by foreign and domestic enemies, demands our attention to the important object of defence; and that we

may lend our aid in a uniform and proportioned manner, a militia act will be beneficial to the province.

I have only to entreat, Gentlemen, that you will preserve harmony and good temper in your deliberations; and be assured I have nothing so much at heart, as to concur with you in promoting his Majesty's service, and the prosperity and true interest of this province.

(Signed)

PAT. TONYN.

The humble Address' of the Upper House of Assembly, to his Excellency Governor TONYN, on Friday the 30th day of March, 1781.

May it please your Excellency,

We his Majesty's most dutiful and loyal subjects, the Upper House of Assembly for this province, in General Assembly met, beg leave to return your Excellency our grateful acknowledgments for your most affectionate speech to both Houses of Assembly.

It affords us a very sincere satisfaction, that under your Excellency's wise and mild administration, this province hath reached that state of importance and affluence, as to enable your Excellency to constitute a provincial legislature, which we flatter ourselves will be conducive to the prosperity of his Majesty's Colony, and the success of its inhabitants; and in justice to your Excellency's merit we do acknowledge that a considerable increase of inhabitants has proceeded from that warm and distinguished reception the friends of Government, who came to this province, have met with.

Your Excellency's zeal for his Majesty's service, your constant and unremitted attention to whatever you thought would contribute to the advancement of commerce and agriculture, and the candour and freedom with which your Excellency on every occasion laid the business of the

the province before the Council Board, was always very grateful to us, and tended to inspire the same ardour and liberality of sentiment in giving our opinions, that actuated your Excellency, and stimulated us to that zeal for his Majesty's service, and prosperity of this Colony, which we hope ever to preserve.

It is our earnest wish and highest ambition to exert our utmost abilities in discharging the honourable trust reposed in us, as an Upper House of Assembly; and we shall, in all our deliberations, strictly adhere to the spirit of that excellent constitution of Government under which we live, and study to model our laws as near as may be to that justly admired system, which hath been framed by the wisdom of the British Parliament.

Whilst we admire his Majesty's royal clemency, in holding forth terms of accommodation, and offers of pardon and remission of past offences, it is with the deepest concern and affliction that we perceive our deluded fellow-subjects in the revolted Colonies, contrary to their true interests, and the principles of generosity and justice, contumaciously persevering in open rebellion against their lawful Sovereign; and, as if no terms of accommodation were ever intended by them, have entered into unnatural alliances with foreign States, whom the experience of past ages evinces to be enemies to religious and civil liberty, thereby audaciously attempting to diminish that glorious empire which gave them existence, and under whose protection they arrived at a degree of affluence and importance, which they have licentiously perverted to the worst of purposes.

With the warmest sentiments of loyalty and gratitude to our Most Gracious Sovereign, (whose uniform conduct evinces, that he is truly the best of Kings) we acknowledge to

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have received his Majesty's support and protection, when we apprehend the untowardly behaviour of the other Colonies might have led his Majesty, and the Parliament, to have withdrawn their aid.

We esteem our civil and religious liberties dear to us as our lives, and wish to transmit them inviolate to our posterity, as their best inheritance; and humbly conceiving that they never can be better secured than under the protection and patronage of the Royal House of Brunswick, and firmly confiding in the wisdom of the British Parliament, and convinced of the necessity that an absolute, supreme, and uncontrollable power in a state must exist somewhere, we will most cheerfully concur with the other branches of the legislature, in recognizing our allegiance to the King and supremacy of Parliament.

We should be void of every sentiment of gratitude, not to acknowledge the great obligations we are under to our Most Gracious Sovereign, for the succour and protection he hath afforded this province, especially for that body of brave troops who have, upon sundry occasions, signalized themselves in repelling the united force of the French and rebels, in restoring the neighbouring provinces to his Majesty's allegiance, and securing this from plunder and devastation; and we are greatly indebted to your Excellency, for that spirit and vigilance which you have ever exerted for the defence of this government, and the happiness and prosperity of the people over whom you preside.

(Signed)

JOHN MOULTRIE, President.

HIS EXCELLENCY'S ANSWER.

Honourable Gentlemen,

I return you hearty thanks for the expressions of loyalty and gratitude to his Majesty, and regard for the

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constitution

constitution contained in your Address to me.

It is a very particular satisfaction to me, that Gentlemen so well acquainted with the constitution of Great Britain, fill the honourable station you hold in this province.

I am happy that his Majesty's paternal care of his people, enabled me to soften the distresses of the loyal, but sorely oppressed Refugees; and your approbation of my conduct, and the favourable opinion you entertain of me, are exceedingly pleasing to me.

(Signed)

PAT. TONYN.

The Address of the Commons House of Assembly to his Excellency PATRICK TONYN, Esq. Captain-General, Governor, and Commander in Chief, in and over his Majesty's Province of East-Florida, Chancellor, Vice-admiral, and Ordinary of the same.

The Address of the Commons House of Assembly.

May it please your Excellency,

We, his Majesty's most dutiful and loyal subjects, the Commons House of Assembly of East Florida, in General Assembly met, return you our most sincere and cordial thanks for your excellent Speech on our meeting in the first Provincial Legislature convened in this Colony.

With the most heart-felt satisfaction, we congratulate your Excellency, that during your administration of the Government of this Province, it hath arrived at such a state, as to enable your Excellency, with propriety, to fulfil his Majesty's most gracious intentions, by the establishment of a legislative body in this Province.

Sensible from experience of the numberless hardships and heavy expences which unavoidably attend the forming the new settlements, we

have hitherto cheerfully submitted to such inconveniences, as our situation and circumstance subjected us to; but from the increasing population of the Province, the necessity of some local laws in this infant Colony, become daily more evident; in the making and framing of which, and of such other ordinances and regulations as the public welfare and good government may require, it shall be our study to conform, as far as may be, to the constitution and laws of Great Britain, under such restrictions as have been used in our Sister Colonies.

Thoroughly convinced of the patronage, support, and care with which this Province hath been, and continues to be fostered, cherished, and protected by our most gracious Sovereign, and indulgent Mother-country, we cannot altogether disappoint their reasonable expectations, and will, therefore, cheerfully contribute towards the general expences of government, what on mature deliberation we shall judge suitable to the circumstances of our constituents, which being well known to your Excellency, we hope, the present smallness of our quota may not be considered as the measure of our loyalty and affection to the most beneficent Prince in the world, or of our attachment to our bountiful Mother-country: but we find great satisfaction in the prospect, that through the continuance of the benevolent assistance and attention of the British Parliament, the gradual increase of property amongst us, from the returns of a produce valuable to the planter, and beneficial to Great Britain, will enable us, in progress of time, to make our proportion of the general supplies an object of more importance than can at present be expected.

We are impressed with sentiments of gratitude for your Excellency's assurance, that we will most dispassionately,

passionately, and cordially, concur with us in framing such laws and ordinances correspondent to the constitution of Great Britain, as shall be found best to suit with our local situation; and we promise your Excellency, that zealous as we are to preserve inviolate the liberties of the subject, we will ever hold sacred the rights and prerogatives of the Crown.

The making laws for a community, at all times deemed a most momentous and important object, must now call forth our particular circumspection, and most serious deliberation at this alarming crisis of public affairs, and revolt of the Colonies. A revolt which we want words to express our indignation and abhorrence of, aggravated, if possible, as it is, by the most wicked and flagitious perseverance therein, and by the most unnatural and detestable political alliances, by which our rebellious fellow-subjects seem quite lost to every sense of gratitude, and attachment to their merciful and most gracious Sovereign, and beneficent Mother-country; having sacrificed to their ambitious views, and misguided prejudices, their most sacred rights, religious and civil, renounced their allegiance to the mildest and best of Kings, and done what in them lay to demolish and overturn a constitution and empire, the envy, admiration, and dread of surrounding nations, under which they had enjoyed the sweets of good Government, without feeling the weight of its support and maintenance.

As one of the first steps leading to this unnatural revolt, was a refusal of the rebel Colonies to acknowledge supreme right and authority of the British Parliament; to prevent, as far as possible, any future contest on so just and equitable a point, it will behave us, in the most public and avowed manner, to recognize our

allegiance to the blessed Prince on the throne, and the supremacy of Parliament, thereby establishing, on the most solid foundation, our constitution, liberties, and dependencies.

We are full of acknowledgment to your Excellency for the favourable representations you have made to the King in your correspondence with his Majesty's principal Secretaries of State, of the loyalty and attachment of the people of this province to his Majesty's person and government. We trust, and are persuaded, your Excellency's favourable reports of us, and our constituents, will continue to be justified by our readiness, on all occasions, to assist your Excellency, by our personal services, and otherwise, in defence of this his Majesty's Province; and that during the present arduous situation of public affairs, surrounded as we are by enemies, both foreign and domestic, we may lend our aid in an uniform and proportioned manner; therein a militia law will demand our early attention, as it will certainly be beneficial to the Province.

We cannot omit this occasion of expressing our gratitude for your Excellency's unwearied attention to the interests of this Province, to his Majesty's service, and to the dictates of humanity, in the ready and effectual protection, assistance and countenance, which your Excellency hath uniformly granted to such of the King's good subjects as, driven by the Rebels from their habitations and properties in the adjacent Provinces, took refuge under your Excellency's wing, where they have never failed to find shelter, and which divers Members of this House have experienced.

By Order of the House,
(Signed)

WILLIAM BROWN, Speaker.

St. Augustine, April 2, 1781.

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His

HIS EXCELLENCY'S ANSWER.

Gentlemen,

I return you my sincere thanks for the sentiments of loyalty and duty to our most gracious Sovereign, expressed in your very acceptable Address to me.

I am confident, that your regard to justice, and the constitution under which we live, will induce you to fulfil your engagements, by contributing a quota towards the general expences of Government, proportionate to the circumstances of your constituents, which will accumulate with the growing produce of the Colony; such grant will be a motive with his Majesty, to continue his paternal care and protection.

It has ever been with the warmest emotions of sympathy, that I have contributed all in my power, to make this province a happy asylum to those gentlemen, whose firm attachment to Government led them to relinquish their possessions and properties, rather than sacrifice their allegiance; and I am convinced, that I could in no means better fulfil his Majesty's gracious intentions towards them. I only regret, that it could not be done to the extent of their merit and sufferings and distresses.

(Signed)

PAT. TONYN.

*St. Augustine, 2d April, 1781.**Philadelphia, November 6.*

Extract of a letter from Gen. WASHINGTON, dated Head Quarters near York, Oct. 27, 1781.

SIR,

I do myself the honour to enclose to your Excellency, copy of returns of prisoners, artillery, arms, ordnance, and other stores, surrendered by the enemy in their posts of York and Gloucester, on the 19th instant, which were not compleated at the time of my last dispatches, and but this moment handed to me: A draft

of these posts, with the plan of attack and defence, is also transmitted; and twenty-four standards, taken at the same time, are ready to be laid before Congress.

My present dispatches being important, I have committed them to the care of Colonel Humpreys, one of my Aid-de-camps, whom for his attention, fidelity, and good services, I beg leave to recommend to Congress, and to your Excellency.

General return of officers and privates surrendered prisoners of war, the 19th of October, 1781, to the allied army under the command of his Excellency General WASHINGTON, taken from the original muster rolls.

General and staff.—1 lieutenant-general, 1 brigadier-general, 1 lieutenant-colonel, and 2 majors, 5 captains, 2 lieutenants, 2 chaplains, 1 town-major, 1 commissary of prisoners, 1 assistant quarter-master, 1 surgeon and field inspector, 3 surgeons, 10 mates, 2 purveyors, 4 stewards, 2 ward masters, 19 assistants, 2 carpenters, 5 deputy commissaries, 1 deputy commissary of forage, 5 assistant commissaries, 3 clerks, 3 issuers, 2 coopers, 1 labourer. Total 79.

Artillery.—2 captains, 9 lieutenants, 1 surgeon, 1 mate, 1 serjeant, 4 drums, 193 rank and file, 1 commissary of military stores, 9 conductors, 5 conductors of horse, 16 artificers. Total 232.

Guards.—3 lieutenant-colonels, 12 captains, 1 ensign, 2 adjutants, 1 quarter-master, 1 surgeon, 3 mates, 25 serjeants, 12 drums, 467 rank and file. Total 527.

Light infantry.—1 lieutenant-colonel, 1 major, 10 captains, 16 lieutenants, 1 ensign, 2 surgeons, 33 serjeants, 13 drums, 594 rank and file. Total 671.

XVIIth regiment.—1 lieutenant-colonel, 3 captains, 8 lieutenants, 4 ensigns, 1 surgeon, 9 serjeants, 13 drums,

13 drums, 205 rank and file. Total 245.

XXIII^d regiment.—3 captains, 6 lieutenants, 1 adjutant, 1 surgeon, 1 mate, 16 serjeants, 205 rank and file. Total 233.

XXXIII^d regiment.—1 lieutenant-colonel, 3 captains, 5 lieutenants, 1 ensign, 1 surgeon, 25 serjeants, 9 drums, 225 rank and file. Total 260.

XLIII^d regiment.—1 major, 3 captains, 5 lieutenants, 3 ensigns, 1 quarter-master, 1 surgeon, 22 serjeants, 16 drums, 307 rank and file. Total 359.

LXXIIth regiment.—1 lieutenant-colonel, 1 major, 1 captain, 11 lieutenants, 4 ensigns, 1 adjutant, 1 quarter-master, 1 surgeon, 1 mate, 28 serjeants, 2 drums, 242 rank and file. Total 300.

LXXVIth regiment.—1 major, 6 captains, 16 lieutenants, 4 ensigns, 1 adjutant, 1 quarter-master, 1 surgeon, 1 mate, 38 serjeants, 18 drums, 628 rank and file. Total 715.

LXXXth regiment.—1 lieutenant-colonel, 2 majors, 5 captains, 17 lieutenants, 3 ensigns, 1 adjutant, 1 quarter-master, 1 surgeon, 1 mate, 49 serjeants, 20 drums, 588 rank and file. Total 689.

Two battalions Anspach.—2 colonels, 1 lieutenant-colonel, 1 major, 8 captains, 32 lieutenants, 1 chaplain, 2 quarter-masters, 2 surgeons, 20 mates, 32 serjeants, 25 drums, 948 rank and file, 1 waggon-master, 8 waggoners, 2 provosts marshal, 1 assistant. Total 1077.

Prince Hereditary.—1 lieutenant-colonel, 1 major, 5 captains, 5 lieutenants, 4 ensigns, 1 chaplain, 1 quarter-master, 4 surgeons mates, 19 serjeants, 11 drums, 425 rank and file, 6 waggoners, 1 provost marshal. Total 484.

Regiment de Bose.—2 majors, 5 lieutenants, 2 ensigns, 1 adjutant, 1 quarter-master, 1 surgeon, 3 mates, 46 serjeants, 16 drums, 271

rank and file, 1 provost marshal. Total 349.

Yagers.—1 captain, 3 lieutenants, 1 surgeon, 1 trumpet, 68 rank and file. Total 74.

British legion. 1 lieutenant-colonel, 6 captains, 8 lieutenants, 3 cornets, 6 quarter-masters, 1 surgeon, 17 serjeants, 7 trumpeters, 192 rank and file. Total 241.

Queen's rangers.—1 lieutenant-colonel, 1 major, 10 captains, 15 lieutenants, 11 cornets, 3 quarter-masters, 2 surgeons, 24 serjeants, 5 trumpeters, 248 rank and file. Total 320.

North Carolina volunteers.—1 lieutenant-colonel, 5 captains, 7 lieutenants, 8 ensigns, 7 serjeants, 114 rank and file. Total 142.

Pioneers.—2 captains, 3 lieutenants, 4 serjeants, 33 rank and file. Total 44.

Engineers.—2 lieutenants. Loyal forrefters.—2 captains, 1 lieutenant, 2 rank and file. Third New Jersey volunteers.—1 captain, 1 lieutenant, 2 rank and file. New York volunteers.—1 captain, 1 ensign, 1 rank and file. Virginia volunteers. 1 captain, 1 rank and file. King's American regiment.—1 lieutenant, 1 rank and file. General Delancy's battalion.—2 ensigns, 2 rank and file. North Carolina independent company.—1 ensign, 1 rank and file. Total 23.

Taken on the 14th and 16th of October.—1 lieutenant-colonel, 2 majors, 2 captains, 1 ensign, 2 serjeants, 70 rank and file. Total 84.

Total. 1 lieutenant-general, 1 brigadier-general, 2 colonels, 14 lieutenant-colonels, 16 majors, 97 captains, 180 lieutenants, 55 ensigns, 4 chaplains, 6 adjutants, 18 quarter-masters, 18 surgeons, 15 mates, 385 serjeants, 179 drums and trumpets, 6039 rank and file, 1 town major, 1 commissary of prisoners, 1 assistant quarter-master. Hospital department.—1 surgeon and field inspector, 3 surgeons, 10 mates,

mates, 2 purveyors, 4 stewards, 2 ward masters, 19 assistants, 2 carpenters. Commissary department.—5 deputy commissaries, 1 deputy commissary of forage, 5 assistant commissaries, 2 clerks, 3 issuers, 2 coopers, 1 labourer, 1 commissary of military stores, 9 conductors, 3 conductors of horse, 16 artificers, 1 waggon-master, 15 waggons, 5 provost masters and assistants, 80 followers of the army.—Amounting in the whole to seven thousand two hundred and forty-seven men.

N. B. By an estimate collected by the adjutant-general, the killed, during the siege, including officers, amount at least to 309, and the deserters to 44.

(Signed)

THOMAS DURIK, Dep.
Com. Prof.

Military chest, two thousand one hundred and thirteen pounds six shillings sterling, dollars at 4s. 8d.

Return of ordnance and military stores taken at York and Gloucester, in Virginia, by the surrender of the British army, on the 19th of October, 1781.

Brass ordnance.—Cannon on travelling carriages.—2 amuzettes, 123 pounds, 1 of 4, 12 of 6, 1 of 9.—Garrison carriages, 4 12 pounders, 3 of 4, 3 of 9.

Howitzers on travelling carriages.—6 of 5 1-5th inches, 3 of 8 ditto; not mounted, 6 of 8 inches.

Mortars.—Mounted, 11 of 4 2-5ths inches, 7 of 5 1-half, 1 of 16; not mounted, 1 of 4 2-5ths, 3 of 13. Total 75.

Iron ordnance.—Cannon on garrison or ship carriages.—1 1 pounder, 3 of 3, 8 of 4, 30 of 6, 42 of 9, 18 of 12, 27 of 18; on travelling carriages, 1 of 24.—Carronades on ship carriages, 4 of 7, 27 of 18.—Swivels 6. Total 69.

Cartridges.—Flannel filled, for cannon.—20 for 4 pounders, 278 for

6, 18 for 9, 40 for 12, 226 for 24 pounders.—Mortars, 341 for 4 2-5ths inch, 386 for 5 1-half ditto, 33 for 8 ditto.—Howitzers, 87 for 5 1-half inch.

Paper filled, for cannon.—417 for 3 pounders, 236 for 4, 836 for 6, 696 for 9, 870 for 12, 900 for 18, 28 for 24 pounders.—Swivels, (howitzers) 185.

Flannel empty, for cannon—193 for 6 pounders, 260 for 9, 10 for 12, 502 for 18, 7 for 24 pounders.—Howitzers, 93 for 5 1-half inch, 175 for 8 ditto.

Paper empty, for cannon.—425 for 4 pounders, 702 for 6, 136 for 9, 502 for 12, 53 for 18, 250 for 24 pounders.—Swivels 2810.

Cylinders, 9 pounders, 380.

Shot.—Round.—Loose, 50 for 3 pounders, 251 for 4, 3965 for 6, 1671 for 9, 1635 for 12, 2927 for 18, 750 for 24 pounders; fixed with flannel for cartridges, 676 for 3, 530 for 6 pounders; strapped without cartridges, 676 for 3 pounders, 520 for 6, 782 for 12, 226 for 24 pounders.

Cafe. Fixed with flannel cartridges, 278 for 3 pounders, 83 for 6 ditto; without cartridges, 177 for 3 pounders, 255 for 5, 599 for 9, 817 for 12, 48 for 18, 106 for 24; howitzers, 315 for 4 2-5ths inch, 90 for 5 1-half ditto, 97 for 8 ditto.

Bar.—17 for 3 pounders, 33 for 4, 24 for 6, 100 for 9, 82 for 18, 86 for 24.

Grape.—Round.—51 for 3 pounders, 52 for 4, 220 for 6, 212 for 9, 80 for 18, 86 for 24. Boxes of loose grape 26, barrels of ditto 1, rounds of langrel 24.

Wads for cannon.—230 for four pounders, 670 for 6, 734 for 9, 635 for 18 pounders.

Shells.—Fixed, 213 for 4 2-5th inch; unfixed, 77 for 5 1-half inch, 150 for 8 ditto, 25 for 13 ditto.—Carcasses, 8 inch 6, fixed; hand-grenades fixed, 602.

Fuzes

Fuzes, fixed.—514 for 5 ^{inch}, 1, budge barrels 4, punches for inch, 20 for 8 ditto.

Spunges, ladles, and wadhooks.—8 for 1 pounder, 35 for 3, 8 for 4, 69 for 6, 25 for 9, 33 for 12, 23 for 18, 2 for 24. Different sizes, without staves 58.

Fire arms, &c.—Muskets, with bayonets, 5743; without bayonets, 915; 1136 damaged. Carbines 31, fuzes 32, pistols 137, brads blunderbusses 11, iron ditto 9, bayonets 688, bayonet scabbards 1140, bayonet belts 1777, cartridge boxes 6444, tin canisters 800, pouches for Yagers 350, gref. matchpipes 86, musket cartridges fixed with ball 266274, 83 barrels and 89 half barrels of powder, fabres 1925, ditto damaged 100, horsemen's swords 273, halberts 32, ditto damaged 14, pikes 210.

Regiments standards.—German 18, British 6, British union flags 4.

Camp colours.—German 32, British 41.

Drums good 32, damaged 19, drum slings 18, fife-cases 10, fife-slugs 7, trumpet 1, bugle horns 18, French horns 5.

Musket ball 29 boxes, 100lb. each, lead in pieces 130lb. Musket flints 34200.

Slow match 4245lb. fire-balls 28, fire-rings 12, sulphur 50lb. saltpetre 50lb. flax 7lb. spelter 2lb. emory 4lb. kitt 32lb. meal powder 3lb. junk 600lb. of 1-inch rope 1 coil, 2-inch ditto 2, two and half ditto 3, 3 inch 2, 4 and 8-inch 1 coil each.

8 lanterns, viz. 3 tin, 1 horn, and 4 dark.

Signal rockets 36, tubes of sizes 6705, tube boxes 62, port-fires 787, port-fire stocks 28, lint-stocks 16, lead aprons 90, steel spikes 80, powder horns 260, shell scrapers 8, kitt brushes 5, hand bellows 2, sets for fuzes 7, kitt ladles 6, fuze engines 2, cannon haverfacks 30, powder bags 23, oil cloths 7, hair cloth

1, budge barrels 4, punches for cannon 12, large brads calipers 2, shot gauges 2 sets, elevating screws 2, priming wires 26.

Apparatus for hot shot 1, sets brads scales and weights 3, copper funnels 4, powder flasks 4, copper powder measures 29 sets.

21 reams musket cartridge paper, 11 hanks marline, catgut and twine, 21 hammers, 1 pair pincers, 33 tenant, hand, whip, and crosscut saws, 4 mallets, 5 rasps, 3 paring and drawing knives, 1 cooper's adze, 2 drifts, 15 axes, 4 pick-axes, 29 hatchets, 26 tomahawks, 12 spades, 63 crowbars, 143 handspikes, 2 shears for iron, 2 gins with falls and blocks compleat, 6 brads shears for tackle blocks, 44 tackle falls and blocks, 2 casks of nails, 36 bars of steel, 7 sheets of iron, 921 brads hoops, 22 sets of drag-ropes, 50 sets of men's harness, 60 dressed calf skins, 22 hides tanned leather, 2 boxes combustible for fireships, 2 kegs tallow, 9 ammunition waggons, 4 powder carts, 39 cart cart saddles, 200 collars, 234 hems, 215 bridles, 123 pair trace chains, 33 brich bands, 73 cruppers, 10 laboratory chests.

4 chests with tools for sadlers, carpenters, coopers, and blacksmiths.

(Signed)

H. KNOX, commanding the artillery of the United States.

Return of waggons, horses, and stores, delivered by the Quarter Master, and found in York and Gloucester.

43 waggons with horses and harness, 40 ditto without harness, broken, 260 horses, 339 saddles, 88 blind bridles, 15 collars, 30 breech bands, 18 back bands, 18 belly bands, 18 sides harness, 4 calf skins, 2 dozen bridle bits, 3 pair of smiths bellows, 3 sets of collar and harness maker's tools.

4 anvils,

4 anvils, and tools for 3 blacksmiths.

4 sets of carpenters tools, old and rusty; 57 French saddles, 40 French bridles, 150lb. tent cord, 14 balls spun-yarn, 3 pieces girt web, 1 hemp hackel, 1 cask tent pins and hatchets, 60 crosscut saws, and some carpenters and coopers adzes, 20 files, 20 chissels, 20 small hammers, 5lb. lampblack, 100 waggon boxes, 100lb. twine, a ton of oakum, 3 ton hemp, 9 bolts fail duck, 29 casks nails assorted, 3 tons irons, a quantity of sails and rigging, 1 barrel turpentine, 2 and half barrels tar, 4 grinding stones, 9 kegs paint, 3 jars oil, 2 boxes window glass, about 1000 sand bags, 4 tons coals and a few planks, 500 bushels corn, 62 ditto meal, 23 boxes candles, 400 sheets, 68 pillow cases, 300 bed cases, 70 old blankets, 2 old rugs, 3 stoves, 182 narrow axes, 4 iron pots, 100 knapfacks and haverfacks, 150 soldiers coats, 100 pair breeches, 70 pair trowsers, 70 sailors jackets, 613 groce buttons, 5lb. thread, 15 pair shoes, 1 marquee, 450 soldiers tents, 200 shovels, spades, and picks.

(Signed)

T. PICKERING, Q. M. G.

A return of cloathing taken in the towns of York and Gloucester, the 19th of October, 1781.

187 coats, 126 woollen breeches, 16 pair shoes, 116 hats, 70 blankets, 170 linen overalls, 153 Scotch bonnets, 108 leather stocks, 279 bed cases, 154 pillow cases, 436 sheets, 150 sailors jackets.

Cloathing received from Captain GILLOCK, October 26, 1781, and acknowledged to be British clothing, subject to the articles of capitulation.

283 coats, 241 breeches, 25 hats, 19 caps, 12 yards buff cloth, 20 yards red cloth, 71 and half yards ozenbrigs, 24 packing sheets.

Cloathing received from Captain GILLOCK, Deputy Quarter-master, October 26, 1781, who was in a cartel vessel in York River, and whose effects, in consequence of his violation of the right of flags, were adjudged to be forfeited, and were consequently seized for public use.

77 uniforms for non-commissioned officers, 17 ditto drummers, 420 ditto privates, 02 ditto servants, 537 pieces linen, 27 ditto ribbon, 899 and an half ells blue cloth, 436 ditto white cloth, 763 ditto red flannel, 1860 ditto ribbon, 170 hats, 7 caps, 35 woollen breeches, 1100 pair hose, 1348 pair shoes, 68 shirts, 1030 black stocks, 55 pair leather gloves, 171 1-2 dozen buttons, 40 pounds thread, 10 and a half hides tanned leather, 3 chests, contents unknown, 2 bales sole leather, 1 bale red flannel.

(Signed)

D. AMERMAN, A. to the C. G.
Return of provision and stores in the ports of York and Gloucester.

267 barrels of flour, weight 73280lb. 520 bags of bread, 59600lb. 96 barrels of beef, 20190lb. 365 barrels of pork, 75750lb. 361 firkins of butter, 19870lb. 5 casks of oatmeal, 1190lb. 597 barrels pease, quantity 29895 bushels, 13 casks liquors, 1250 gallons, 16 bags coffee, 2500lb. 20 bags cocoa, 3000lb. 50 bushels salt, 3 hogsheds sugar, 3000lb. 5 casks vinegar, 300 gallons, 3 jars oil, 9 gallons, 29 barrels rice, 1500lb. 1 cask raisins.

(Signed)

THO. JONES, D. C. Issues.

JACOB WEED, A. C. Issues.

AD. DOLMAGE, A. C. Br. Army.
A list of vessels taken and destroyed at York, in Virginia.

Vessels of war.—The Charon, 44 guns; Guadaloupe, 28; and Fowey, 24; Bonetta, 24; Vulcan fireship.

Transports.—Mackerel, Succes, Providence, Captain Hunter, and Providence,

Providence, Capt. Barriman; Favourite, Harmony, Concord, Idborough, Selina, Ocean, Elizabeth, Diana, Emerald, Fidelity, Lord Mulgrave, Robert, Racehorse, Houston, Sally, Two Brothers, Present Succession, Shipwright, Horfington, Neptune, Lord Howe, Bellona, Andrews, General Reidefel, Tartar.

Vessels belonging to the army.—Defiance, Formidable, Rambler, Spitfire, a considerable number of small sloops and schooners, and 12 or 15 galleys.

Private vessels.—The Cochran, North Briton, Susanna, Arno, Enderd and Mathews, two Dutch prizes.

A privateer of 20 guns, quite new. Besides many other vessels sunk, and a very great number of shallops and schooners.

The naval prisoners exclusive of those belonging to the private transports and other vessels, are 840.

Published by order of Congress

CHA. THOMSON, Sec.

No. I.

Governor CUNINGHAME's speech to the Council and Assembly of Barbados.

Gentlemen of the Council and Gentlemen of the Assembly,

My duty to the King, and my anxiety for your protection from our numerous enemies, must prompt me, upon every occasion that offers, to recommend to you, the passing some more salutary laws for the better disciplining your militia, and for putting your fortifications in the best state of defence, which the liberality, activity, and alacrity of individuals have already far advanced: the guarding the accessible parts of your coast, becomes indispensibly necessary, as I expect attacks from the enemy of a different nature from what you have hitherto had reason to apprehend.

Gentlemen of the Assembly,

The necessary works at the Castle, and the redoubt lately begun on Mount Charity, are carrying on with

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all the expedition the labour applied to them will admit of. The passing a levy bill, the providing barracks or quarters for the King's troops, the improvement of the Mole Head, cannot but become objects of your deliberation.

I shall send you the representation made to me by the justices of the peace for St. Michael's, for establishing a market place in Bridge Town, for your consideration.

Gentlemen of the Council and Gentlemen of the Assembly,

Whatever measures you may propose for the security of this his Majesty's island, will at all times meet with my hearty concurrence.

July 10, 1781.

William Gibbes Alleyne, Esq. moved the House to appoint a day for taking into consideration the said speech.

James Straker, Esq. moved the House, that the Governor's proclamation for dissolving the last Assembly, be taken into consideration at the same time with the said speech.

Samuel Husbands, Esq. seconded both the motions.

Resolved nem. con. That this House at their next meeting will take into consideration his Excellency's said speech, and that they will also at the same time take into consideration his Excellency's said proclamation.

No. II.

Address of the House of Assembly to Governor CUNINGHAME.

“BARBADOS.

“To his Excellency JAMES CUNINGHAME, Esq. Major-general of his Majesty's forces, and Captain-general, Governor, and Commander in Chief of this island, Chancellor, Ordinary, and Vice-admiral of the same.

“The humble Address of the General Assembly.

“May it please your Excellency.

“We the representatives of the people, in their new elected assembly,

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bly, and composed almost of the same members, who so cordially united in the service of their country in the former, must beg leave, before we give our answer to your Excellency's speech, upon the opening of this session, to remonstrate against the gross injury attempted by your Excellency, to be done to the character of our former body, in your proclamation to dissolve it; an injury, which we are the more strongly justified in asserting, in as much as either by a tacit or an open declaration, it has been acknowledged, or avowed, by all ranks of the community without exception: for, in the first instance, had the reasons assigned by your Excellency in the proclamation, to the disadvantage of the Assembly, been founded in the least truth or justice, was it not the duty of his Majesty's council, equally zealous surely with your Excellency on those points which appeared to influence you in the measure, to have given the sanction of their concurrence to that dissolution of the popular branch, as they had done to the preceding, when, nevertheless, no reason was assigned at all: and yet now, that the most plausible reasons are proclaimed for dissolving the late assembly, the name of that honourable board does not appear to warrant the exertion of so particular an act of the prerogative, and at so critical a period. But in the open, free, and undissembled declarations of the inhabitants of our metropolis, upon whose peculiar services to the public, your Excellency had founded the pretence of dismissing the representative body of the people from their general service to it, we are happy to see your Excellency's proclamation reprobated in terms, that do honour to the names of that respectable set of men, as British subjects. Nor can there be a more complete and unquestioned refutation of your Excellency's proceeding in that

proclamation, that the united voice of the freeholders of the island, in their re-election of the very men as guardians of the *true interest and safety of the island, in whose hands,* however, your Excellency had been pleased to proclaim to all the world, *it was incompatible with your duty, as his Majesty's representative in this colony, to suffer the public authority to remain any longer.* And thus supported, as we are, by all these undoubted testimonies in our favour, we should be wanting to ourselves, if we did not take this occasion of remonstrating in form against your Excellency's dissolution of the late assembly, as a wanton and manifest abuse of the power of the King's prerogative in your hands, and which, it is evident to every impartial eye, was exerted in that act with no one honourable view in the nature of things; but after giving your Excellency credit for every artful private design of your own by that measure, as it may extend to serve a point on the other side of the water, we can see you actuated on this, only by an ungovernable resentment against the authors of your chagrin, for their delay to serve your Excellency's particular, but now unmerited interest in the public purse, and rather than not indulge your anger, determined to make a sacrifice of what little peace and quiet remained to this community, under the weight of so many other most afflicting circumstances of its present state. A state, Sir, which now that we are come to give an answer to the many and heavy calls your Excellency, by your speech, has made upon our broken fortunes, renders the people at large unable, even at this time, to do justice to the fair public creditors of their country, and pay a levy, besides the amount of their public debt, sufficient to carry on the current service of the year, without suffering a distress, that makes this

this assembly, the faithful guardian of their rights and properties, to shudder at the duty of imposing it upon them; especially, Sir, when as yet the people have received no relief from the intended bounty of parliament, the crops of the plantations have failed, beyond even our worst apprehension, in consequence of the hurricane, and a new and heavier load than ever has been laid upon our chief produce by the government at home. Nor is it possible that your Excellency can be a stranger to these truths, without the confession of an ignorance, which alone can excuse the want of humanity in the sum of your requisitions. But upon the subject of our fortifications; if before the direful event, which laid our country in ruins, we declared to your Excellency, that the assembly could neither in point of justice, nor from the sense of the people's inability, lay on their constituents the burthen of repairing and keeping up the proper fortifications of the island, how can your Excellency suppose that we can now take this charge upon our more than half ruined country, with an increased expence too in the design? Nor are the generous and voluntary contributions of the inhabitants of better condition, towards the repairs of these works, to be constructed into either a *willingness* or *ability* of the *people at large* to bear their share in the expence; but, on the contrary, these subscriptions have arisen from an utter despair of *both*, and are to be honestly imputed *only* to the strong affection of the subscribers to the place of their natural or acquired property, joined to that steady principle of loyalty and love for their gracious Sovereign and the parent State, which no evils that befall us, no injury received where we are sensible protection was designed, can shake or lessen even in the present, the very worst of times. But for the

expence of finding barracks for the King's troops, after seeing that a sum of no less than seventeen thousand pounds sterling was drawn for by the Governor, and allowed by Parliament, to defray the expence of barracks, and an hospital for these troops in our neighbouring island of Tobago, where the inhabitants were not loaded with the four and a half ~~per cent.~~ duty, which those of this island are, why should your Excellency make a demand of this kind upon the people under your care, and in such distressed circumstances? and yet, as if your Excellency thought the people of this country had discovered mines of gold and silver under the ruins of their buildings, and could not be exhausted by your insatiable calls upon them for their wealth, you are pleased to name the repairs and work of the Mole Head also, amongst the other services to be provided for by ourselves; but know, Sir, that the clearing of this mole and the works necessary for that purpose, calculated at an immense expence, have been acknowledged as a national as well as local benefit, and that in the day of our prosperity, we were under the necessity of applying for, and did receive an aid from Parliament for beginning and carrying on the work; and therefore, in the hour of our adversity, it is not to be supposed that we are able, of our own strength, to undertake so weighty a task, even upon your Excellency's most earnest recommendation. But to close our answer to all your Excellency's several demands upon us for supplies, in which we have been thus far particular, that we may not appear wanting to our beloved Sovereign, in giving the proper consideration to each head, we will here conclude the subject, by conveying to your Excellency the determination of this assembly, in conformity with the united desires of our constituents,

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which your Excellency's late violent act of power has brought forth either to public view, or in private communication, not to grant any supplies whatever, so long as our grievances exist, since for a people to be subject not only to the constitutional right of their representative body to draw taxes from them, but to be exposed also to arbitrary and unusual exactions upon the authority of a governor and council also, and at their sole discretion, that is a condition to which we, the freely chosen guardians of this people, cannot, with the least honour, conspire to reduce them.

"Sensible, Sir, as we are of the defects in our militia law, and anxious to correct them by some more salutary code, we are yet discouraged from the attempt at this ill-fated juncture; choosing to trust to the spirit of the people to supply every deficiency in their discipline, until some more propitious æra; when we may grant the powers necessary to regulate our military force, without a fear or danger to those civil rights and privileges, for the sake of which we think our properties best worth defending, by such a regulation.

"We cannot conclude, however, without thanking your Excellency for your profession in "an hearty concurrence in whatever measures we may propose for the security of this his Majesty's island;" but as no farther measures of this kind can be taken without the aid of money, and under the heavy load of their present unusual calamities, the very mention of such an aid can be considered only as a mockery of the people; so we cannot help lamenting, that your Excellency had not graciously added an offer of the same hearty concurrence, in whatever measure we might propose for the ease and interest of this colony, as well as for its security; since in such a case, Sir, this House could have made your Excellency a

proposal, replete with both these advantages to the island, and with all imaginable honour to yourself; nor in the enjoyment of these, would the other advantage be forgotten; for a people quieted in their minds by the possession of all their most valuable rights, find resources for their security, which, under different and vexatious circumstances, they feel themselves unequal to the power of obtaining."

No. III.

Pilgrim, 2d Oct. 1781.

"Message from the Governor to the Assembly.

"Gentlemen,

"As I think it my duty, at all times, to inform you of whatever the King and his ministers expect to be done by the legislature of this island, for the safety and welfare of the inhabitants, I send you the following extracts of a letter, dated 4th July, 1781, which I have lately received from the Secretary of State for your consideration.

"The temper and good disposition you have shewn in your speech at the opening of the assembly, gives me just grounds to hope, that all animosities will cease; and the council and assembly will be ready to act with you in pursuing the true interest of Barbados, by providing for its own security by a proper levy bill, and by repairing the forts and batteries necessary for its defence: his Majesty having no other wish than the promoting the happiness of his subjects."

"The late munificence of parliament must convince the people, how ready this country is to attend to their interest, and relieve their distresses."

"I am sorry to find your last address written in so intemperate a stile, that it is unbecoming my character, and the high station I fill, to give it any answer; but if the close of it has any reference to the disputed points of fees and salary, I take this opportunity

opportunity of declaring to you, that upon your passing a proper levy bill, I am ready, as I always have been, to join with you in every just and reasonable measure that can be proposed for the *ease* and *interest*, as well as for the defence of the inhabitants of this island; hoping to be able to form a less *expensive*, as well as more *effectual* plan for their security, than any hitherto adopted; and without any alteration of your militia laws now in force.

“ And, with regard to fees, altho’ I consider them as part of my just and lawful rights, I can assure you, gentlemen, that if the assembly, upon my arrival, had granted me the salary so long enjoyed by many of my predecessors, and which it is well known, their constituents in general were not only *willing* but *desirous* they should grant, it never would have entered into my mind to propose the establishment of those fees, or any other, to the members of his Majesty’s council: nor can I suppose that board would have concurred in the measure, if they had not been fully convinced, from the excessive high price of provisions, and all other necessities, that the abridged salary granted by the assembly, was by no means sufficient to support the dignity of this government. And, if any subsequent assembly had shewn themselves inclined to commute the fees established in council, for the usual salary, I should, long since, have cheerfully made them that proposal. But, as, in consequence of the assembly’s petition, they have been lately referred by his Majesty, to the Lords Commissioners for Trade and Plantations, for their consideration, and report thereon, that event must now take place, unless, by a proposition from the assembly, the matter is compromised, and settled before it comes to a hearing.

“ His Excellency General Christie having, upon his late arrival here, with a battalion of his Majesty’s

troops, judge it necessary for his Majesty’s service, to write a letter to me, requesting “ that such temporary quarters might be provided for them as circumstances would permit.” I now send the General’s letter for your perusal, and recommend the same to your immediate attention. I have directed the troops to be quartered in the forts till some better provision can be made for their accommodation, by an act of the legislature, as has been usual here upon similar occasions. And that you may be the more easily and speedily enabled to adopt proper measures for that purpose, I also send you copies of some of the laws passed in former wars for the quartering of officers and soldiers in this island.

“ And that the fortifications may with all possible dispatch be completed, and put in the best state of defence, General Christie has, at my request, been pleased to send for the Chief Engineer in these parts, to superintend and direct what remains to be done for that purpose. And as you cannot but be sensible how much the ease and interest of the people must depend upon their safety and protection, I trust that you would do all that lies in your power towards the accomplishing of so important an object.

“ With respect to such cannon and small arms as are wanted to replace those which are become unserviceable, I have already made application for them to his Majesty’s Secretary of State, and flatter myself that they will be granted.

“ And as the reefs and banks of stones thrown up by the late hurricane on several parts of this coast, will contribute much to the security of the island; and the laws formerly made to prevent the carrying away stones from the sea-shore, are very defective, I think it necessary to recommend to you a revision and an effectual amendment of those laws.

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" One of the bridges leading from Bridge-town, having been so far destroyed as to be now impassable; and the other being in so ruinous a condition that it is likely to become equally useless, very shortly; I think it necessary to recommend to you an effectual reparation of both.

" I send you a copy of an address from the council and assembly of Antigua to Gen. Shirley, governor of the leeward islands, expressing their apprehensions of a famine in that island, with his Excellency's letter to me on the same subject, for your consideration; taking it for granted that your humanity will induce you to contribute all in your power to the prevention of so dreadful a calamity.

" JAMES CUNINGHAME."

No. IV.

Answer from the Assembly to the Governor's message.

" SIR,

" The duty and affection which we hold inviolably to his Majesty's person and government, have led us to take into our serious consideration the substance of your Excellency's message: And we are sorry to find, after a calm and dispassionate regard to the real circumstances of the inhabitants, as well as to the true sentiments of those who have, upon the purest principles, entrusted us with the power, we cannot consent to burthen them with the new load proposed to us by your Excellency's message, or pass a levy bill to all the purposes of our defence, as they were recommended in your Excellency's speech, and are now again repeated and urged upon the assembly by the present call.

" If it be unbecoming your character, Sir, and the high station you fill, to give any answer to our late address upon account of its intemperate stile, was it becoming that character and high station to give a wound to the honour of a set of gen-

tlemen, acting in a public character, by charges, which the very persons, to whom your Excellency made your solemn appeal for the truth of them, have openly manifested to be most injurious? If then the provocation given by your Excellency appears to have been unmerited, the resentment expressed by the assembly was no more than just: And if your Excellency disdains to make any reply to the remonstrances of this assembly, upon any injury you are pleased to do them, your Excellency must cease to injure, or they will continue, with the freedom of a British spirit, to remonstrate.

" What the true subject of our grievance was, to which the close of our address referred, your Excellency, we imagined, could not be mistaken in, and yet the return which you have been pleased to make to it does by no means promise such a measure sure of redress, as tends to promote that *ease* and *interest* of the people we have so much at heart; since these are the blessings that depend, or at least the true enjoyment of them amongst a free people does so, not on the bare security of their property from invasions, to which they are liable from the enemy without, but in being secured from every invasion of an arbitrary power, which exists to take from them any part of the fruits of that property at discretion from within. And of this very nature, Sir, do we consider, and are affected by this very extraordinary demand, which your Excellency has set up and put in force, of fees to an uncertain yet large amount, clogging the wheels of justice, and burthening every transaction of business through the different offices where you have hung up the tables of them, in a manner unknown to the oldest inhabitant of this island until the present period, and which in effect robs our country, in their general estimation, of one of the most sacred and valuable rights inherent

inherent in a British colony:—But if the right which your Excellency has set up to these fees be really just and lawful, as you assert, where is the law of this land, or any law of our parent state written, or unwritten, to be found, that can support the claim? Or if such a latent and obnoxious right lay vested in your Excellency, as the King's representative, on your arrival in this island, ready to be brought forth to make up the sum of your expectations from a free settlement expected to be made upon you by the representatives of the people, surely, Sir, it had been equitable to disclose that secret and reserved right, along with his Majesty's most gracious instruction, usually laid before us, and which was so laid by your Excellency previous to our making such a settlement; or that very instruction, Sir, gracious as it certainly is in the design, would seem to combine with the private views of your Excellency, to convert the free gift of the people into a jest upon their offering, rather than allow it the stamp, as heretofore, of a tribute of their pure benevolence, adjusted to the circumstances of the country, and the sum of it determined by the judgment of the delegated guardians of their interest.

“ And here unwilling, Sir, as we are, to add any thing to your Excellency's pain, after the offence you seem to have taken on the former occasion of our addressing ourselves to you, we cannot yet, in justice to ourselves, suffer an assertion of your Excellency to pass, which casts the imputation of a breach of trust on the assembly, in not granting the same salary to your Excellency, which had been enjoyed by many of your predecessors, without a proper observation: We therefore solemnly declare, that such of us as were then members of the assembly, and gave our votes for the salary settled on your Excellency, were in-

fluenced in that point solely by a sense of the condition, and a just knowledge of the desires of the people we represented; and the event of things, under the fairest trial, and upon your Excellency's own resort to it, has served most fully to shew the truth of our fidelity to those constituents. But whatever may have been the real motives of the conduct of those members of council who concurred with your Excellency in establishing so extraordinary a demand of fees in the presiding power amongst us, this assembly are nevertheless so perfectly convinced of the illegal and unconstitutional claim and authority by which they have been established and exacted, that we should think it a desertion of our country's cause to make your Excellency any proposition that might bear the least mark of an acknowledgment in this assembly of your Excellency's right to those exactions, or that we imagined your Excellency had any thing to give up on your side, for the value of an additional salary to be granted your Excellency on ours, on the ground of a commutation: On the other hand, as we look upon your Excellency's demand of these unprecedented fees in this island as the result of an usurped power over the purses of the people we represent, and which may be carried to any bounds to which the pleasure of your Excellency, or the rapacity of some future governor, may choose, without controul or limit; so long then as such a dangerous and hateful power exists, and is exercised over the community, we who are the only proper persons empowered by the constitution to raise money for the service of this government, with the concurrence of your Excellency and the council, are determined we will not, by encreasing the burthen of our constituents under such a circumstance, become the instruments of adding to their grievances.

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" With every just regard to the respected character of General Christie and his corps, as well as full confidence in the brave and honourable motives of his repairing to this island with them, we can yet only answer your Excellency's demand upon us for a better provision to be made for the accommodation of these troops, than the quarters your Excellency has assigned them in the forts, by lamenting the unhappy condition of our inhabitants in general, so many of whom are still in want of comfortable quarters and covering for themselves, from the effects of the last year's dreadful calamity, and even such of them as have provided a shelter for their families, are yet suffering under more or less difficulty and distress from the scarcity of all sorts of provisions at this time amongst us; so that our consent to the quartering of these troops upon the inhabitants, in the manner of those old and prosperous times, would be inflicting the severest hardships upon some, and give occasion to discontent in all. And we flatter ourselves that the sums of money granted by parliament every year for the extraordinaries of the army, may be more properly applied to answer this service, than the wreck of our broken fortunes. Nor is it without the utmost grief we find ourselves unable to answer your Excellency's last call upon us for relieving the wants of our neighbouring fellow-subjects in Antigua, as your Excellency must be sensible from the exorbitant prices of provisions both salted and fresh, at present in the island, as well as of flour and ship bread, that we cannot in duty and a tender regard to the wants of our own people, venture to part with any of those stores, which are arrived, so few in comparison of the whole quantity, that was bestowed by parliament for their particular relief; whilst we profess the most sincere and warm desire of contri-

bute all we can, with the least degree of propriety, in so urgent a case of our neighbours, and feel it as an additional misfortune to ourselves, that we cannot afford the full help required in their great misery."

Sir John Alleyne rose, and spoke in support of the answer moved for.

On the question put, the committee agreed unanimously to the said answer, and ordered it to be reported.

The house was then resumed, and Mr. Speaker took the chair.

William Gibbes Alleyne, Esq. from the committee, reported the said answer, which was agreed to nem. con. and ordered to be ingrossed.

Whitehall, February 2, 1782.

Extract of a letter from Sir HENRY CLINTON to the Right Hon. Lord GEORGE GERMAIN, one of his Majesty's Principal Secretaries of State, dated New-York, Dec. 11, 1781.

I have the honour to inclose the copy of a letter from Lieutenant-colonel Stewart to Earl Cornwallis, with its inclosures, dated September the 9th, the day after the action at Eutaw Springs.

Extract of a letter from Lieutenant-colonel STEWART to Earl CORNWALLIS, dated Eutaw, Sept. 9, 1781.

MY LORD,

With particular satisfaction I have the honour to inform your Lordship, that on the 8th instant, I was attacked by the rebel General Greene, with all the force he could collect in this province and North Carolina; and after an obstinate engagement, which lasted near two hours, I totally defeated him, and took two six-pounders.

Soon after I had the honour of writing your Lordship from Thomson's, I received information of Greene's having moved with the rebel

bel army towards Camden, and crossed the Wateree near that place; and, from the best intelligence I could collect, was on his march to Friday's Ferry, on the Congarees.

The army under my command being much in want of necessaries, and there being at the same time a convoy with provisions on the march from Charles-town, which would have necessarily obliged me to make a detachment of at least four hundred men (which at that time I could ill afford, the army being much weakened by sickness) to meet the convoy at Martin's, fifty-six miles from my camp; the distance being so great, a smaller escort was liable to fall by the enemy's cavalry, which are very numerous.

I therefore thought it advisable to retire by slow marches to the Eutaws, where I might have an opportunity of receiving my supplies, and disencumber myself of the sick, without risking my efforts, or suffer myself to be attacked at a disadvantage, should the enemy have crossed the Congaree.

Notwithstanding every exertion being made to gain intelligence of the enemy's situation, they rendered it impossible, by way-laying the by-paths and passes through the different swamps; and even detained different flags of truce which I had sent on public business on both sides.

About six o'clock in the morning I received intelligence by two deserters, who left Gen. Greene's camp the preceding evening, about seven miles from this place; and from their report, the rebel army consisted of near four thousand men, with a numerous body of cavalry, and four pieces of cannon.

In the mean time I received information by Major Coffin, whom I had previously detached with one hundred and forty infantry, and fifty cavalry, in order to gain intelligence of the enemy, that they appeared

in force in his front, then about four miles from my camp.

Finding the enemy in force so near me, I determined to fight them, as from their numerous cavalry, a retreat seemed to me to be attended with dangerous consequences: I immediately formed the line of battle, with the right of the army to Eutaw branch, and its left crossing the road leading to Roache's plantation, leaving a corps on a commanding situation to cover the Charles-town road, and to act occasionally as a reserve.

About nine o'clock the action began on the right, and soon after became general.

Knowing that the enemy were much superior in numbers, and at the same time finding that they attacked with their militia in front, induced me not to alter my position, unless I saw a certain advantage to be gained by it; for by moving forwards, I exposed both flanks of the army to the enemy's cavalry, which I saw ready formed to take that advantage, particularly on the left, which obliged me to move the reserve to support it.

By some unknown mistake, the left of the line advanced, and drove their militia and North Carolinians before them; but unexpectedly finding the Virginian and Maryland lines ready formed, and at the same time receiving a heavy fire occasioned some confusion. It was therefore necessary to retire a little distance to an open field, in order to form, which was instantly done, under cover of a heavy well-directed fire, from a detachment of New-York volunteers, under the command of Major Sheridan, whom I had previously ordered to take post in the house, to check the enemy, should they attempt to pass it.

The action was renewed with great spirit; but I was sorry to find that a three pounder, posted on the road leading to Roache's, had been dis-

abled, and could not be brought off when the left of the line retired.

The right wing of the army being composed of the flank battalion, under the command of Major Majoribanks, having repulsed and drove every thing that attacked them, made a rapid move to their left, and attacked the enemy in flank; upon which they gave way in all quarters, leaving behind them two brass six pounders, and upwards of two hundred killed on the field of action, and sixty taken prisoners, amongst which is Colonel Washington; and, from every information, about eight hundred wounded, although they contrived to carry them off during the action. The enemy retired with great precipitation to a strong situation, about seven miles from the field of action, leaving their cavalry to cover their retreat. The glory of the day would have been more complete, had not the want of cavalry prevented me from taking the advantage which the gallantry of my infantry threw in my way.

I omitted to inform your Lordship, in its proper place, of the army's having for some time been much in want of bread, there being no old corn or mills near me. I was therefore under the necessity of sending out routing parties from each corps, under an officer, to collect potatoes every morning at day-break; and unfortunately, that of the flank battalion and buffs, having gone so far in front, fell into the enemy's hands before the action began, which not only weakened my line, but increased their number of prisoners.

Since the action, our time has been employed in taking care of the wounded; and finding that the enemy have no intention to make a second attack, I have determined to cover the wounded as far as Monk's Corner with the army.

My particular thanks are due to

Lieutenant-colonel Cruger, who commanded the front line, for his conduct and gallantry during the action; and to Lieutenant-colonel Allen, Majors Dawson, Stewart, Sheridan, and Coffin, and to Captains Kelly and Campbell, commanding the different corps and detachments; and every other officer and soldier fulfilled the separate duties of their stations with great gallantry; but to Major Majoribanks, and the flank battalion under his command, I think the honour of the day is greatly due. My warmest praise is due to Capt. Barry, Deputy Adjutant-general, Major-brigade Coxon, Lieut. Ranken, Assistant Quarter-master General, and to acting Major of Brigade Roorback, for the great assistance they rendered me during the day.

I hope, my Lord, when it is considered such a handful of men, attacked by the united force of Generals Greene, Sumpter, Marion, Sumner, and Pickens, and the legions of Colonels Lee and Washington, driving them from the field of battle, and taking the only two six pounders they had, deserve some merit.

Inclosed is the returns of the killed, wounded, and missing, of his Majesty's troops.

From the number of corps and detachments which appear to have been engaged, it may be supposed our force is great; but your Lordship will please to observe, that the army was much reduced by sickness, and otherwise. I hope your Lordship will excuse any inaccuracy that may be in this letter, as I have been a good deal indisposed by a wound which I received in my left elbow, which, though slight, from its situation is troublesome. It will give me most singular pleasure if my conduct meets with the approbation of his Majesty, that of your Lordship, and my country.

Return

Return of the killed, wounded, and missing, in the army commanded by Lieutenant-colonel ALEXANDER STEWART, in the action at Eutaw, Sept. 8, 1781.

Cavalry. 2 rank and file, killed; 1 commissioned officer, 1 serjeant, 8 rank and file, wounded; 18 rank and file, missing.

Flank Battalion. 1 commissioned officer, 12 rank and file, killed; 2 commissioned officers, 5 serjeants, 2 drummers, 81 rank and file, wounded; 3 drummers, missing.

The Buffs. 2 commissioned officers, 1 serjeant, 1 drummer, 27 rank and file, killed; 1 commissioned officer, 3 serjeants, 74 rank and file, wounded; 1 commissioned officer, 2 serjeants, 1 drummer, 70 rank and file missing.

63d regiment. 2 serjeants, 6 rank and file, killed; 3 commissioned officers, 1 serjeant, 33 rank and file, wounded; 2 commissioned officers, 20 rank and file, missing.

64th regiment. 2 serjeants, 10 rank and file, killed; 2 commissioned officers, 3 serjeants, 47 rank and file, wounded; 2 commissioned officers, 7 serjeants, 47 rank and file, missing.

Detachment of the 84th regiment. 6 rank and file, killed; 1 commissioned officer, 22 rank and file, wounded; 2 rank and file, missing.

New York Infantry. 3 rank and file, wounded; 3 drummers, 4 rank and file, missing.

New Jersey Volunteers. 2 rank and file, killed; 2 commissioned officers, 3 serjeants, 21 rank and file, wounded; 3 rank and file, missing.

1st Battalion of Delancey's. 1 serjeant, 4 rank and file, killed; 1 serjeant, 8 rank and file, wounded; 1 commissioned officer, 5 serjeants, 1 drummer, 28 rank and file, missing.

Provincial Light Infantry. 3 rank and file, killed; 4 commissioned of-

ficers, 3 serjeants, 12 rank and file, wounded; 4 commissioned officers, 1 serjeant, 21 rank and file, missing.

Artillery with Additional. 3 rank and file, killed; 4 ditto wounded; 11 ditto missing.

Total. 2 commissioned officers, 6 serjeants, 1 drummer, 75 rank and file, killed; 16 commissioned officers, 20 serjeants, 2 drummers, 313 rank and file, wounded; 10 commissioned officers; 15 serjeants, 8 drummers, 224 rank and file, missing.

Names of Officers killed, wounded, and missing.

Cavalry.—Cornet Vanhorne, wounded.

Flank Battalion. Lieut. Huckleman, 19th regiment, light infantry, killed; Lieut. Lord Edward Fitzgerald, 19th reg. ditto; Lieutenant Ankettle, 30th regiment, ditto, wounded.

The Buffs. Lieut. Buckwith, killed; Hon. Major Leslie, wounded; Lieut. Douglas Hamilton, missing and prisoner.

63d regiment. Lieut. Campbell and Lloyd, and Ensign Murray, wounded; Capt. St. Leger, missing, wounded and prisoner; Lieut. Beacroft, missing and prisoner.

64th regiment. Lieutenants Graham and Coswell, wounded; Ensign Laton, missing, wounded and prisoner, since dead; Capt. Strong, missing and prisoner.

84th regiment. Capt. Robert Campbell, wounded.

New Jersey Volunteers. Capt. Barbarie, and Lieut. Troup, wounded; Lieut. Troup, since dead.

1st Battalion of Delancey's. Lieutenant Cunningham, missing and prisoner.

Provincial Light Infantry. Capt. Shaw, wounded, since dead; Capt. Buskirk, Lieut. Cox, and Ensign Montgomery, wounded; Lieutenant
X 2 Evans,

Evans, Ensigns Reed and Blaaw, Adjutant Murray, missing and prisoners.

Staff. Capt. Barry, missing, wounded and prisoner, Deputy-adjutant-general.

(Signed)

M. COXON, Major of Brigade.

From the SUPPLEMENT to the KINGSTON (Jamaica) JOURNAL, of Dec. 1.

St. Jago de la Vega, Nov. 29.

Friday the 23d inst. his Excellency the Governor was pleased to command the attendance of the Honourable House of Assembly in the Council Chamber, and made the following speech :

Gentlemen of the Council,
Mr. Speaker, and Gentlemen of the Assembly,

The several bills presented to me have received my assent. Having been honoured with his Majesty's royal permission to return to England, I have thought it proper to put you under a short prorogation.

I cannot suffer this opportunity to pass without requesting you will accept my assurances, as sincere as they are public, that I leave you with the most ardent wishes for the prosperity of this island, and the happiness of all its inhabitants; that I will dedicate at all times my most zealous endeavours to the service of both, and shall feel a more particular pleasure therein, while I shall have the honour to continue Governor of so valuable a part of his Majesty's dominions, and of so respectable a body of his faithful and deserving subjects.

I do now, in his Majesty's name, prorogue this General Assembly till Tuesday the 27th inst. and it is prorogued accordingly.

And the day following, about two o'clock, his Excellency, attended by a number of gentlemen in their carriages, and escorted by the officers

of the troop, set out from the King's house for Port-Henderson, where an elegant entertainment was prepared. In the evening his Excellency embarked on board the ship Calvert, for Great-Britain, and the next morning sailed for the port where the fleet is to rendezvous, receiving the salutes of all the forts in the harbour. With his Excellency the following noblemen and gentlemen also embarked for Great-Britain: the Hon. the Earl of Crawford, Lord Fitzgerald, Capt. Steel of the 88th, Mr. Barry, Ensign Barber of the 60th, and Dr. Cutlip.

Sunday, at ten o'clock, the 60th and 92d regiments marched into the Parade, after which his Honour Archibald Campbell, Esq. preceded by the Provost-Marshal and Secretary, and attended by the President and Members of his Majesty's Council, the Attorney-General, and other Officers of Government, &c. &c. &c. of this island, his Honour took the usual oaths, amidst the acclamations of a croud of spectators: On a signal being given, the two regiments gave three volleys, and the Spanish-Town Company of Artillery discharged twenty-one field-pieces; his Honour then returned to the King's house, attended as before, where he received the compliments of the officers of government, &c.

That day and the two following, elegant entertainments were given at the King's house.

On Tuesday the General Assembly met pursuant to proclamation, when his Honour the Lieutenant-governor was pleased to command the attendance of the House in the Council-Chamber, and made the following speech :

Gentlemen of the Council,
Mr. Speaker, and Gentlemen of the Assembly,

It is now a small addition to the pleasure I have in meeting you, that the government of this country, through

through his Majesty's favour, has devoted on me at the usual time of your convention, so that my arrangements, which you may think necessary on the commencement of my administration, will coincide with the general business of your session.

From a knowledge which a short residence among you has given me of your loyalty and patriotism, I have the surest confidence that your deliberations will be successfully directed to promote the honour of the King and the good of the people.

Mr. Speaker, and Gentlemen of the Assembly,

It having been signified to his Majesty, the mortality and sickness of his troops in this island are, in a great measure, occasioned by the scarcity of healthy and commodious quarters, I have it in special command to propose an object of such importance to the security of so valuable a colony to your serious attention—a provision for so humane and polite a purpose, should it afford satisfaction to your constituents, cannot fail to recommend you to the favour of the King.

I have nothing further to ask than the usual supplies, leaving it to your discretion, to make such a provision for the support of government as its dignity may require, and the circumstances of the present war may recommend to your consideration.

Gentlemen of the Council,

Mr. Speaker, and Gentlemen of the Assembly,

My abilities, unassisted by your experience and advice, would be very unequal to the duties required of me;—it will, therefore, be my care to obtain, as it is my ambition to deserve, your zealous co-operation and support, I can, with truth assure you, that I have nothing more at heart than the happiness of his Majesty's subjects of this island, and

that you will ever find me ready to concur most cheerfully with you, in every measure that may be deemed expedient for their safety and prosperity.

Thursday the Honourable the Council and Assembly presented the following Addresses to his Honour the Lieutenant-governor.

JAMAICA, &c.

To his Honour ARCHIBALD CAMPBELL, Esq. Lieutenant-governor and Commander in Chief in and over this his Majesty's Island of Jamaica, and other the territories thereon depending in America, Chancellor and Vice-Admiral of the same.

The Humble Address of the Council.

May it please your Honour,

We his Majesty's most dutiful and loyal subjects, the Council of Jamaica, beg leave to return your Honour our sincere thanks for your speech at the opening of the session.

At the same time that we make the most grateful acknowledgments for the satisfaction your Honour is pleased to express, in meeting us at the usual time of our convention, permit us to assure you, that we should, at any season, with the utmost cheerfulness, have met a gentleman whom his Majesty, in his wisdom, has thought fit to place over us, and more especially one of your Honour's allowed military skill, so well calculated, at this dangerous crisis, to console us for the absence of your predecessor. We humbly trust, that your farther knowledge of us will confirm your present favourable opinion, and justify you in the confidence that the honour of the King, and the good of the people, will ever be the objects of our deliberations.

Happy in the expectation that your acknowledged abilities will suggest such measures as may best promote the safety and prosperity of his Majesty's subjects, it will be equally

equally our duty and our pleasure to assist your Honour with our most zealous co-operation and support.

To which his Honour was pleased to return the following answer :

Gentlemen of the Council,

Accept of my sincere thanks for this Address.—My best endeavours shall be faithfully exerted to lessen the loss you may feel in his Excellency's absence, by providing for the defence of this island in my military, and promoting its happiness in my civil capacity.

I receive, with gratitude, your kind offers of co-operation and support.

JAMAICA, &c.

To his Honour ARCHIBALD CAMPBELL, Esq. Lieutenant-governor and Commander in Chief in and over this his Majesty's Island of Jamaica, and other the territories thereon depending in America, Chancellor and Vice-admiral of the same.

The Humble Address of the Assembly.

May it please your Honour,

We his Majesty's dutiful and loyal subjects, the Assembly of Jamaica, return your Honour our thanks for your speech at the opening of the session.

Your Honour's appointment to the government of this Island, gives us real satisfaction; and the more so, as the arrangements, necessary at the commencement of your administration, may be made without loss of time, and will so aptly form a part of the general business of the session.

We trust that the opinion which your Honour entertains of our loyalty and patriotism, will be justified by our deliberations; that they will be uniformly and steadily directed to the honour of the King, the good of the people, and the peace and happiness of your administration.

We are truly concerned for the mortality and sickness of the troops

on this station;—but are persuaded that his Majesty has not been thoroughly informed of all the causes of such mortality and sickness.—We are convinced that the security and preservation of this Island, will be best consulted by the presence of a respectable regular force.—It has always been our endeavour to afford them every convenience, consistent with our duty to our constituents, and the distressed condition of our finances: At the same time we must add, that the House having hitherto cheerfully complied with every requisition for quarters, by building and repairing sufficient barracks for the troops on the island establishment, cannot but express their concern lest any misrepresentation may have been made to his Majesty, of their conduct in this respect.—Your Honour may be assured that the usual supplies, to support the dignity of government, shall be cheerfully granted.

We are persuaded, Sir, that you will readily concur in every measure which may be deemed expedient for our safety and prosperity; as we have every reason to flatter ourselves that your Honour has nothing more at heart than the happiness of his Majesty's subjects.

To which his Honour was pleased to return the following answer :

Mr. Speaker, and Gentlemen of the Assembly,

I most heartily thank you for this Address; and for the satisfaction you express at my appointment to the Government of this Island.

Accept my grateful acknowledgements also, for your assurances, that the usual supplies to support the dignity of Government shall be cheerfully granted; and that you will readily concur in every measure which may be deemed expedient for our safety and prosperity.

I have only farther to beg, that you

you will believe, that while I feel it my duty to observe my Sovereign's commands, I consider it equally incumbent on me, not to distress the finances of the public, or press upon the ease of your constituents, further than the exigency I have stated to you requires.

Kingston, (Jamaica) Dec. 1.

Tuesday his Majesty's packet-boat Roebuck, Captain Mitchell, from Falmouth, arrived here in 38 days.

From the SUPPLEMENT of the ROYAL JAMAICA GAZETTE of December 8.

CONVENTION for the Exchange of Prisoners of War, between his Excellency Major-general DALLING, Captain-general, Governor, and Commander in Chief of his Britannic Majesty's Island of Jamaica; and his Excellency Major-general DON JUAN MANUEL DE CAGIGAL, Governor of the Havannah, and Captain-general of his Catholic Majesty's Island of Cuba, and its dependencies, &c. &c.

ARTICLE I. All King's officers in the land or sea service of either nation, also the surgeons of regiments and of King's ships, that may be made prisoners, are to be exchanged for prisoners of equal rank, or as hereafter may be agreed upon.

ART. II. All non-commissioned or petty officers, sailors and soldiers in the King's service, (of either nation) to be exchanged indiscriminately, man for man.

ART. III. All Captains of privateers, or merchant vessels bearing letters of marque and reprisal, and their respective officers, to be exchanged for prisoners of like character; petty officers and seamen belonging to said vessels to be exchanged without distinction.

ART. IV. Free people of colour, employed in vessels as petty officers, as sailors or soldiers, shall, if there be none of their own colour, be exchanged against white men; and on that account they must be entered on the ship's books: and all people of colour, who have not with them authentic papers to prove their freedom, will be reputed slaves.

ART. V. All captured slaves may be returned in flags of truce from either side, by their proprietors, for the purpose of being ransomed.

ART. VI. All prisoners of war, not included in the above articles, to be exchanged according to their rank and characters.

ART. VII. The crews of vessels, not regularly authorised or commissioned, shall not be considered as prisoners of war, but as pirates, and to be treated accordingly. And, to prevent further depredations upon the coasts of the islands of Cuba and Jamaica, by which individuals have been distressed, without consequence to either nation, it is agreed, that no vessel, under eight guns and 40 men, shall be authorised or commissioned as privateers, by either Government: should any vessels, carrying a less number of guns, or fewer men, be taken upon the said coasts of Cuba and Jamaica, two months having elapsed from this date, such vessel will be regarded as unauthorised; and the crews treated as pirates.

ART. VIII. Passengers not being in the sea or land service, who shall be taken on board any vessel whatever, shall be at liberty to return to their respective homes, without being carried to the account of exchange, as soon as they shall have made it appear that they really come under that description: they shall not, however, be suffered to depart, till they have obtained a passport

passport from Government:—an account to be kept, on both sides, of such individuals, to be produced when necessary.

ART. IX. All King's officers, likewise Captains of merchant vessels or privateers, and their respective officers, shall be admitted to their parole of honour.

ART. X. All commissioned officers, either in the land or sea service, with all passengers of distinction, who shall be taken on either side, shall receive, during their residence on shore, the sum of five rials of plate per diem, being equal to three shillings sterling, or four shillings and two-pence currency of Jamaica; the half of which sum shall be allowed to all others entitled to their parole or enlargement. In case of sickness the above allowance shall be doubled, and they shall be attended by a physician, and have medicines administered to them at the expence of Government.

ART. XI. Sailors, soldiers, and others; detained in confinement as prisoners of war, shall be kept in wholesome and convenient prisons or hospitals, with proper accommodations; those in Jamaica shall receive, as they shall happen to be in health or sick, rations agreeable to the annexed list; and those in Cuba, or its dependencies, shall receive equal rations, or as an equivalent, the sum of one ryal and a half of plate per diem, equal to ten-pence three farthings sterling, or fifteen-pence currency of Jamaica, which they shall be permitted to lay out in procuring the necessaries and comforts of life, at the most reasonable market prices.

ART. XII. Certificates, as particular as possible, signed and sealed by the Commissary, will be given, gratis, of the death of every officer, sailor, soldier, or private person.

ART. XIII. Flags of truce are

to carry at least thirty prisoners, and to be dispatched whenever there shall be that number on either side: they shall be reciprocally protested, and whoever offers them any violence or insult, made answerable for their conduct.—The flags of truce to remain fourteen days in port, not to be detained longer, unless the Government of either island may have weighty reason for so doing.—And it is to be understood in the spirit of this article, that it is not meant to operate for far, as to throw, on either side, a balance of prisoners to any very considerable amount, nor to preclude the respective Governments from dispatching a flag of truce on any extraordinary occasion, although they may not then have the number of prisoners stipulated to be sent.

ART. XIV. The passage and victualling of every King's officer, captain of privateer, master of merchantmen, or person of distinction, to be twenty-five dollars; said officer, captain, master, or person of distinction, to be entertained at the captain's table.—The passage and victualling of seamen, soldiers, or of any person subject to exchange, is to be twelve dollars each.

ART. XV. The ports destined for effectuating this exchange, are to be the Hayannah, in Batavians in Cuba, and Kingston in Jamaica; in case of accident, or violent storms, the flags of truce will be permitted to make the nearest port.

ART. XVI. In order to accelerate the execution of the present cartel, to give it every force, and to make it be observed in the most inviolable manner, we have signed and sealed the same, promising to conform thereto, as long as our respective Courts (to which it shall without delay be transmitted for ratification) shall not otherwise direct.

Given

Given under my hand and seal at arms, and countersigned by my Secretary, at St. Jago de la Vega, the 18th day of November, 1781.

(Signed)

JOHN DALLING, (L. S.)
Commissioned with full power from

the Captain-general of the island of Cuba.

(Signed)

FRAN. DE MIRANDA, (L. S.)

By his Excellency's command,

(Signed)

JN. CLEMENT, Dep. Sec.

RATIONS served to each prisoner when in health.

D A Y S.	Rum.	Biscuit.	Salt Beef.	Salt Fish.	Rice.	Butter or Oil.	Greens.
	pints	lb.	lb.	lb.	pints	oz.	lb.
Sunday,	1 $\frac{1}{4}$	1	1 $\frac{3}{4}$	0	0	0	1
Monday,	1 $\frac{1}{4}$	1	1 $\frac{3}{4}$	0	0	0	1
Tuesday,	1 $\frac{1}{4}$	1	0	1 $\frac{3}{4}$	0	2	1
Wednesday,	1 $\frac{1}{4}$	1	1 $\frac{3}{4}$	1 $\frac{3}{4}$	0	2	0
Thursday,	1 $\frac{1}{4}$	1	0	0	1	3	0
Friday,	1 $\frac{1}{4}$	1	0	0	1	3	0
Saturday,	1 $\frac{1}{4}$	1	0	0	1	3	0
TOTAL	11 $\frac{1}{4}$	7	2 $\frac{1}{4}$	1 $\frac{1}{4}$	2	10	4

N. B. Each person to be allowed a mattress, and such utensils as may be necessary.

Rations for prisoners when sick in hospital.

Low Diet. Bread, fresh 8 oz.
Butter — 2 oz.
Wine — $\frac{1}{2}$ pint.

Water gruel, panada, and rice gruel, or what may be ordered.

Half Diet. Beef or mutton, fresh 8 oz.
Bread, fresh 12 oz.
Bread, pudding, or roots and greens — 8 oz.

Wine, 1 pint, or in lieu thereof, 3 pints punch.

Full Diet. Beef, fresh 16 oz.
Broth — 1 pint
Bread, fresh 16 oz.
Greens and roots.

Wine, 1 pint, or in lieu thereof, 3 pints punch.

(Signed)

JOHN DALLING.

(Signed) Comd.
MIRANDA.

Each sick person to be allowed a bed, fire, water, candles, and such utensils as may be necessary.

From the MADRID GAZETTE, Jan. 29
Journal of the operations against Fort
St. Philip, from the 6th to the 16th
of January.

Jan. 6th. On the morning a triple discharge of musquetry, without balls, were fired in honour of the birth of the Dauphin, and served at the same time as a signal for firing from all our batteries. This was done at half past six, A. M. and our artillery greatly damaged the enemy's batteries, dismounted some pieces of cannon in Fort Marlborough, and greatly damaged the Queen's Fort. We little doubt but the fire from St. Philip, will in a few days be very slack, if not totally silenced.

7th. At break of day we began as heavy a fire as the preceding morning; that of the enemy was very moderate. A deserter came over to us, who told us, that General Murray had called in all the advanced centinels, except those which were on duty at batteries. We have since observed, that the besieged had removed several pieces of ordnance, which were in front of our batteries.

8th. We keep up firing a mortar and two great guns, with great variety, and have at last almost silenced the Queen's battery, whose parapets we have destroyed. The enemy keep up their fire only with three guns, which they have to the Westward, two in the Carolina redoubt, and two in Fort Marlborough, with the addition in the night of a few shells and hand-grenades. We have lost nevertheless, four privates, and seventeen are dangerously wounded.

9th. We continue the same brisk fire, and easily see that great damage has been done to the enemy's forts. We have had two privates killed and fifteen wounded. The General, with his two sons, the Master of the Ordnance, and some Aid-de-Camps, visited the port at Philippet, and the Mole, to observe the effects of our

fire. At night a spot was marked out for erecting a four-gun battery opposite to Fort Marlborough, from which it will be distant about one hundred fathoms.

10th. Nearly the same on both sides as on the preceding day.

11th. Our batteries have kept up a brisk fire; the besieged make use only of two guns, which they had placed on the preceding night against our fifth battery, whose constant fire soon silenced that of the enemy. We had this morning a dreadful storm of thunder; one private was killed, and three wounded by the lightning.

12th. The besieged have thrown out some shells in the day time against our fifth battery; this occasioned some trifling damages to our out-works, but they were soon repaired. At midnight the English deserter came to our trench, and was carried before the General, to whom he declared, that our fire had killed and wounded a great number of men; that the men had been forced to evacuate the hospitals, and put the sick and wounded in the strong holds; that the garrison is attacked with the dysentery; that in the day-time, except a few centinels and a sufficient number of men for the service of the few guns and mortars that are yet in use, they are kept underground, and sit up all night, on account of the officers going the round to prevent desertion.

13th. The bad weather has obliged both sides to suspend their firing. An Hanoverian confirmed this day the report of the English deserter. By the storm of yesterday and today, two of the King's boats, one of the Crillon privateers, and six merchantmen were wrecked, but the crews saved. Four of the marine officers have been added to our batteries; they entered this day upon duty.

14th. The weather being fairer to-day, we resumed a very heavy canonade,

canonade, pointed especially against two guns, which began firing this morning from the Queen's redoubt; it seems one of them has been dismounted, as about noon the fire was renewed with one gun only. The battery against Fort Marlborough is in great forwardness, and the weather permitting, will be ready in a few days. Between ten and eleven at night, an English corporal on duty, in the covered way to the Queen's bulwarks, came over to us, and declared to the General, that breaches were made to most of the exterior fortifications: that ever since the 6th instant, the enemy have cleared their hospitals, their sick and wounded being kept in Fort St. Charles, and in the strong holds; that several of the garrison were laid up with an epidemical dysentery; mean time Gen. Murray gave out, that he was in daily expectation of a reinforcement, consisting of 10,000 men, &c.

The contrary winds which retarded the arrival of the Duke de Crillon's dispatches, having shifted, the packet, with the journal, up to the 16th instant at noon, is arrived: it gives an account, that on the 15th, a fire had broke out between the Forts Philip and St. Charles, which burnt all night with great fury. It was perceivable to the naked eye, that this was occasioned by the burning of three storehouses, one of which contained salt and other provisions.

*From the PENNSYLVANIA PACKET.
PHILADELPHIA, Dec. 8.*

An ordinance, ascertaining what captures on water shall be lawful.

In pursuance of the powers delegated by the confederation in cases of capture on water,

Be it ordained, by the United States in Congress assembled, that from and after the first day of February next, all resolutions and ordinances of Congress relating to cap-

tures, or recaptures on water, and coming within the purview of this ordinance, except as is herein after excepted, shall be null and void: but questions of this nature arising before, or which shall be undetermined at that day, shall be determined at any time during the war with Great-Britain, according to them, in the same manner as if this ordinance had never been made.

It shall be lawful to capture and obtain condemnation of the property herein after enumerated, if found below high-water mark; that is to say,

All ships and other vessels of whatsoever size or denomination, belonging to an enemy of the United States, with their rigging, tackle, apparel and furniture.

All goods, wares, and merchandizes belonging to an enemy, and found on board of a ship or other vessel of such enemy.

All goods, wares, and merchandizes, to whatever nation belonging, although found in neutral bottoms, if destined for the use of the enemy: but the goods, wares, and merchandizes, belonging to an enemy, contraband goods, and goods destined to a blockade, invested or besieged port, being always excepted, found in a vessel belonging to a foreign nation, other than an enemy, shall in no case be subject to condemnation.

Provided nevertheless, that from and after the first day of March, in the year one thousand seven hundred and eighty-two, all goods, wares and merchandizes of the growth, produce or manufacture of Great-Britain, or of any territory depending thereon, if found within three leagues of the coasts, and destined to any port or place of the United States, in any ship or vessel belonging to the citizens of the said States, or the subjects of any neutral power, shall be liable to capture and condemnation, unless the same shall have been previously captured

captured from the enemy and condemned, or, in consequence of capture, may be proceeding to some port or place not in the power of the said enemy, for trial and condemnation.

All ships or other vessels, goods, wares and merchandizes belonging to any power, or the subjects of any power against which letters of marque or reprisal shall have issued.

All ships or other vessels, with their rigging, tackle, apparel and furniture; and with their cargoes, to whatsoever nation belonging, destined to any port or place invested, besieged, or blockaded, by a sufficient force belonging to, in the service of, or co-operating with the United States, so effectually, as that one cannot attempt to enter into such port or place without evident danger of being lost.

All ships, or vessels, with their rigging, tackle, apparel, and furniture, and with their cargoes, found in the possession of pirates.

The goods, wares and merchandizes to be adjudged contraband, are the following: that is to say,

Cannon, mortars, fire-arms, pistols, bombs, grenades, bullets, balls, fuses, flints, matches, powder, saltpetre, sulphur, carcasses, pikes, swords, belts, pouches, cartouch-boxes, saddles, and bridles, in any quantity beyond what may be necessary for the ship's provision, and may properly appertain to, and be judged necessary for every man of the ship's crew, or for each passenger.

If it shall manifestly appear, that of any entire thing of which division cannot be made without injury to its value, a subject of the enemy, and a citizen or a subject of a foreign power, not being an enemy, are joint holders, the whole shall be condemned and sold for gold or silver, the proper proportion of the net proceeds of which shall be deposited in the treasury of the State

in which the sale shall be, to be paid to the order of such citizen, or the subject of such foreign power.

If such division can be accomplished, but neither the citizen, nor the subject of a foreign power, nor his agent, shall require specific restitution of his property, there shall be a sale in the same manner, as if the property were indivisible. But if in such case a requisition be made to this effect, the due proportion shall be specifically restored.

Where property shall have been originally captured on land from a State, or a citizen of the United States, and shall be re-captured below high-water mark by another citizen thereof, restitution shall be made to the former owner, upon the payment of a reasonable salvage, not exceeding one fourth part of the value, no regard being had to the time of possession by the enemy.

In all cases of recapture by an armed vessel, fitted out at the expence of the United States, of a vessel or other effects belonging to a citizen, the court shall adjudge the proportion which would be due to the United States, to be remitted to such citizen, no regard being had to the time of possession by the enemy.

On the recapture by a citizen of any Negro, Mulatto, Indian or other person, from whom labour or service is lawfully claimed by a State or a citizen of a State, specific restitution shall be adjudged to the claimant, whether the original capture shall have been made on land or water, and without regard to the time of possession by the enemy, a reasonable salvage being paid by the claimant to the recaptor, not exceeding one fourth of the value of such labour or service, to be estimated according to the laws of the State, under which the claim shall be made.

But if the service of such Negro, Mulatto, Indian, or other person, captured below high-water mark, shall

shall not be legally claimed within a year and a day, from the sentence of the Court, he shall be set at liberty.

In all other cases of recapture, restitution shall be made to the owner, upon payment of one third part of the true value for salvage, if the property shall have been retaken in less than twenty-four hours after the capture. But if it shall not have been retaken until the expiration of 24 hours after the capture, restitution shall not be made of any part.

Besides those who are duly authorised to make captures by a special commission, captures of the property of an enemy shall be adjudged lawful when made :

1st. By a private vessel not having such commission, satisfactory proof being produced that they were made in pursuing the course of her voyage, and repelling a previous attack from an enemy.

2d. By any body or detachment of regular soldiers.

3d. By inhabitants of the country, if made within cannon-shot of the shore.

4th. By an armed vessel sailing under a commission of his Most Christian Majesty.

5th. By the crews of British vessels, while captures of this sort are licensed by the British.

Recaptures shall be made by no other persons than those authorised to make captures, except the crews of vessels retaken.

The destruction of papers, or the possession of double papers by any captured vessel, shall be considered as evidence for condemnation, unless good cause be shewn to the contrary.

From and after the first day of February, which shall be in the year of our Lord, one thousand seven hundred and eighty-two, any letters of port or safe conduct, granted before the 27th of March last, under the authority of Congress, to any person whatsoever, for removal of pro-

perty from a place beyond sea, with, in the dominions or possessions of the British King, shall be void.

Upon the capture of a vessel commissioned as a man of war or privateer, by any of the vessels of war of the United States of America, the whole of the property condemned shall be adjudged to the captors, to be divided in the following manner (saving to all persons who shall lose a limb in an engagement, or shall be otherwise disabled in the service of the United States, every benefit accruing to them under the resolution of Congress, of the 28th of November, one thousand seven hundred and seventy-five) that is to say,

To the Commander in Chief of the navy of the United States, shall be allotted one twentieth part of all prizes taken by an armed vessel or vessels under his orders and command; when there shall be no such Commander in Chief, the one twentieth part allotted to him shall be paid into the treasury of the United States.

To the Captain of any single armed vessel two twentieth parts, but if more ships or vessels be in company when a prize is taken, then the two twentieth parts shall be divided equally among all the Captains.

To the Captains of Marines, Lieutenants and Masters, three twentieth parts of all prizes taken when they are in company, to be divided equally among them.

To the Lieutenants of Marines, surgeons, chaplains, purfers, boatswains, gunners, carpenters, masters, mates, and the secretary of the fleet, two twentieth parts, and one half of the twentieth part, to be divided equally among them.

To the following petty warrant officers, viz. midshipmen, (allowing for each ship six, for each brig four, and for each sloop two) captains clerks, surgeons mates, stewards, sail makers, coopers, armourers, (allowing

(allowing for each vessel one of each only) boatswains mates, gunners mates, carpenters mates, (allowing for each vessel two of each) cooks, cockswains, (allowing for each vessel one of each) serjeants of marines, (allowing two for each ship, and one for each brig and sloop) three twentieth parts to be divided equally among them; and when a prize is taken by any vessel, on board or in company of which the Commander in Chief is, then the Commander in Chief's cook or cockswain shall be added to the said petty warrant officers, and share equally with them.

The remaining eight twentieth parts, and half of the one twentieth part, shall be divided among the rest of the vessels company or companies, as it may happen, and share alike.

No officer or man shall have any share, but such as are actually on board their several vessels when any prize or prizes shall be taken, excepting only such as may have been ordered on board any other prizes, before taken, or sent away by his or their commanding officers.

Upon the capture of any other vessel, if made by a vessel of war, belonging to the United States, one half of the property condemned shall be decreed to the United States, and the other half to the captors, to be divided as aforesaid: if by a private vessel not having a commission, the whole shall be decreed to the captors: if by any body or detachment of regulars, or other troops in the service of the United States, the whole shall be adjudged to the captors, to be divided in proportion to the pay in the line of the army: if by inhabitants of the country, being in arms, the whole shall be adjudged to the captors, to be divided equally among them; provided, that if any such inhabitant shall be wounded in making the capture, he shall be entitled to two shares, and if killed, his legal

representative shall be entitled to four shares. If by the crews of British vessels, the whole shall be adjudged to the captors, to be divided at the discretion of the Court.

On capture by an armed vessel belonging to the United States, of a vessel under the protection of a vessel belonging to the enemy, commissioned as a man of war or privateer, or where the vessel retaken is equipped in a warlike manner, the proportion to be withdrawn from the original owner, shall be divided as in the case of a capture of an enemy's vessel commissioned as a man of war or privateer.

On recapture by an armed vessel belonging to the United States, of a vessel under the protection of an hostile vessel not commissioned as a man of war or privateer, and where the vessel retaken is not equipped in a warlike manner, the proportion to be withdrawn from the original owner shall be divided, as in the case of an hostile vessel not commissioned as a man of war or privateer.

The rules of decision in the several Courts shall be, the resolutions and ordinances of the United States in Congress assembled, public treaties, when declared to be so by an act of Congress, and the law of nations, according to the general usages of Europe. Public treaties shall have the pre-eminence in all trials.

This Ordinance shall commence in force on the first day of February, which will be in the year of our Lord one thousand seven hundred and eighty-two.

Done by the United States in Congress assembled, the 4th day of December, in the year of our Lord one thousand seven hundred and eighty one, and in the sixth year of our independence.

JOHN HANSON, President.

Attest. CHARLES THOMSON, Secretary.

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The Act referred to in the foregoing Ordinance is as follows:

In case the commander, for the time being, lose a limb in an engagement, or be otherwise disabled, so as to be rendered incapable afterwards of getting a livelihood to subsist upon, he shall receive out of the net profits of such prize or prizes, or prize goods, (as are taken during the cruize) if so much arise, before dividend or distribution be declared, the sum of four hundred dollars: or if he lose his life, his widow or children (if any) shall receive the said bounty of four hundred dollars, together with all prize money to him belonging at the time of his decease. And if the Captains of Marines, or any other commission and warrant officer, lose a limb, or be otherwise disabled, so as to be rendered incapable afterwards of getting a subsistence, he or they so disabled shall receive a bounty of three hundred dollars, if so much arise from the net profits as aforesaid; and in case of death, the widow or children (if any) is, are, and shall be entitled to the same, together with their share of prize money due at the time of their decease. And if an inferior officer, seaman, or marine, lose a limb, or be otherwise disabled so as to be rendered incapable afterwards of getting a subsistence, he or they shall receive a bounty of two hundred dollars, to be deducted as aforesaid; and in case of death, his widow or children (if any) is, are, and shall be entitled to the same, together with his share of prize money due at the time of his decease.

At a meeting of a number of the officers of the Delaware regiment at Dover, in the Delaware State, the 15th of November, 1781.

Resolved,

That Captain James Moore and John Wilson be a Committee to wait on his Excellency John Dickenson, Esq. with our warmest congratu-

lations on his appointment to the Presidency of the State, to assure him that his being raised by the legislature to that honourable and important office, affords us the highest satisfaction and pleasure, being fully persuaded that great advantages will be derived, not only to this state, but the United States in general, from the executive authority being placed in the hands of a gentleman of such distinguished zeal, integrity, and abilities.

That we farther beg leave to assure him, that we have the most sincere regard for his person and character, and shall consider it our constant duty, and esteem it our greatest happiness, to render any assistance in our power, to the support and prosperity of his government; extending our views to that happy period, when, by the united exertions of the Councils and Arms of America, we shall have secured her independence, and we shall again mingle with society, and enjoy, in common with our fellow citizens, the blessings of freedom and peace.

To this Address his Excellency was pleased to return the following answer:

Gentlemen,

This totally unexpected and affectionate address does me an honour, of which I am more sensible than I can express. I shall always endeavour to deserve your favourable sentiments, and they will always afford me a very high pleasure.

I am obliged to you, gentlemen, for your assurances of rendering every assistance in your power to the support and prosperity of government, for it can only be, under Divine Providence, by the united exertions of the friends to America, that the present contest can be brought to that happy period, when her Independence shall be secured, and the brave men, who have so greatly and generously contributed

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to its establishment, resting from their toils and dangers, shall enjoy in common with their grateful fellow citizens, the blessings of freedom and peace.

In the mean time, gentlemen, I beg you to be assured, that duty and inclination will prompt me to pay every attention to you, and the corps to which you belong; and that every service I can perform for you and them, will be an addition to my own happiness.

FISH-KILL, Nov. 15.

*Head Quarters, Continental Village,
Nov. 9.*

“ The General has the pleasure of acquainting this army, that the enemy have been completely disappointed in their designs on the northern frontiers of this state, in consequence of the measures adopted to receive them in the vicinity of the lakes: for which the General is much indebted to Major-general Lord Stirling, Brigadier-general Stark, and the other officers and soldiers, both regulars and militia, who, with great zeal and alertness, pressed to meet the enemy. That part of their force which was to proceed over the lakes, has not dared to land on this side.

“ Major Ross, who had advanced from the westward as far as Johnstown, with a body of between six and seven hundred regular troops, rangers, Yagers and Indians, was met by Colonel Miller, defeated, and pursued into the wilderness, where many of them probably must perish. The number of the enemy killed is not known; Major Butler, who has frequently distressed the frontiers, is among the slain. A number of prisoners, chiefly British, have been taken and sent in.

“ The General presents his thanks to Colonel Willett, whose address, gallantry, and persevering activity, exhibited on this occasion, do him

great honour; and while the conduct of the officers and soldiers in general who were with him deserves high commendation, the General expresses a particular approbation of the behaviour of Major Rowley, and the brave levies and militia under his immediate command, who, at a critical moment, not only did honour to themselves, but rendered a most essential service to their country.”

Transcript of General Orders.

THOMAS GROSVENOR, Lt. Col.
and D. A. G. of the Western
Department.

Petersburgh, Dec. 3.

The Emperor Joseph II. having acceded to the intentions of the Empress, our august sovereign, expressed in her Imperial declaration of the 28th of February, 1780, has caused the following rescript to be delivered to our Court:

“ Joseph II. Emperor of the Romans, &c. having been amicably invited by her Majesty the Empress of all the Russias, to concur with her in consolidating the principles of a neutrality at sea, in order to preserve the freedom of trade and navigation to the neutral powers, as has been explained in the declaration, bearing date February 28, 1780, delivered by her Imperial directions to the belligerent powers, and is in substance as follows:

“ That the neutral ships may freely sail from port to port, and along the coasts of the powers now at war.

“ That the effects belonging to the subjects of the belligerent powers be accounted free, when put on board of neutral ships, excepting such as are prohibited.

“ That such shall be accounted prohibited goods as are specified in the 10th and 11th articles of the treaty of commerce, concluded between Russia and Great Britain on the 20th of June, 1766.

“ That

* That in order to ascertain what is meant by *blockaded port*, that term ought to be applied to those harbours only, which are so beset by the enemy, as to make it dangerous to attempt an entrance.

* In fine, that the above principles be urged as a law in all trials and decisions on the lawfulness of prizes.

" And her said Imperial Majesty having proposed to us to that purpose that we would evince, by a formal act of accession, not only our implicit acceding to the said principles, but also our immediate agreeing with the measures necessary to secure the execution thereof, by adopting on our side, and entering into the respective engagements and stipulations as follows: to wit,

" 1st. That on both sides the strictest neutrality shall continue to be observed, and attention be paid to the most rigorous execution of the prohibitions made against the contraband trade of their respective subjects with any of the powers now at war, or likely to be so hereafter.

" 2d. In case that notwithstanding all the care employed to prevent such prohibited trade, it should happen that the trading vessels of either power should be insulted, or taken by any ships belonging to the belligerent powers, the complaints of the aggrieved sovereign shall be enforced in the most efficacious manner by the other; but if justice should be denied upon such complaints, the two contracting powers shall enforce it in such a manner as to right themselves, by making reprisals.

" 3d. If either or both of the two contracting powers, in consequence of the present agreement, should be molested or attacked, then and in such case they will join in one cause, in order to defend each other respectively, and endeavour to obtain satisfaction both for the insult offered to

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their flag, and the damages incurred by their subjects.

" 4th. That the above stipulation shall be considered by both parties as binding for ever, and as the standard to appreciate the rights of the aforesaid neutrality.

" 5th. That the said contracting powers shall, in a friendly manner, give notice hereof to the powers now at war.

" Being desirous, from the friendship that fortunately unites us to her Imperial Majesty of all the Russias, as also for the welfare of all Europe, and our subjects and dominions in particular, to contribute to the fulfilling of the intentions, meaning and measures, equally salutary, and perfectly coincident with the clearest notions of the rights of nations, we have agreed, and do by these presents, consent to accede thereto, solemnly engaging ourselves, as the said Empress does towards us, to observe, execute, and guarantee all and every the articles and stipulations above mentioned.

" In witness whereof we have hereunto set our hand and seal.

" Given at Vienna October 9, 1781."

Petersburgh, December 9.

A declaration from the Empress of Russia, being an answer to that of the Emperor of the Romans, inserted above.

" By the grace of God, we Catherine II. Empress of all the Russias, &c. &c. having amicably invited his Majesty, the Emperor of the Romans, King of Hungaria and Bohemia, to concur with us in the consolidating the principles of the neutrality at sea, tending to establish the freedom of trade and navigation of the neutral powers, which we have fully explained in our imperial declaration of February 28, 1780, delivered to all the belligerent powers, which

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which principles are in substance as follow:

“ That the neutral ships may freely sail from port to port, and coastways of the powers at war; that the effects belonging to the belligerent powers be free when on board of neutral ships, excepting prohibited goods, which are fully pointed out by the tenth and eleventh articles of the treaty of commerce concluded between Russia and Great Britain on the 20th of June, 1766. That in order to determine the meaning of what is to be accounted a *blockaded harbour*, that appellation is only given to such, as by the disposition of the hostile power there is an evident danger of entering the same; and in fine, that the above mentioned principles be urged as a law in all trials and decisions respecting prizes.

“ His Imperial and Royal Apostolic Majesty having consented to make known, by an act of formal accession, not only his full adherence to the same principles, but, also his immediate concurrence to the measures tending to secure their execution, which we on our side hereby adopt by entering into a reciprocal contract with his said Majesty, to enforce the articles mentioned in his Majesty's declaration of the 9th of October, 1781.

“ We, actuated by the sincere friendship which happily unites us to his Imperial Majesty, as well as for the welfare of Europe in general, and of our countries and subjects in particular, do formally by these presents accept the accession of his Majesty, the Emperor of the Romans, &c. to the intentions, principles, and measures, not less salutary than they are consonant with the most general ideas of the right of nations; promising, and hereby solemnly engaging in like manner, as the said Emperor doth engage himself towards us, to observe, execute, and guar-

antee all articles and stipulations herein above mentioned. In witness whereof we have signed and sealed these presents. Given at St. Petersburg, October 19, in the year of our Lord, 1781, and of our reign the 20th.

(Signed)

CATHERINE.

By command,

COMTE JOHN D'OSTERMAN.

I R E L A N D.

County } At a meeting of the Free-
of } holders of this county,
Downe. } held in the Court-house
of Downpatrick, on the 1st day of
October, 1781, pursuant to a public
notice from the Sheriff, Comwell
Price, Esq.

It was unanimously resolved to address Robert Stewart, Esq. one of the Representatives of the said county in Parliament, with instructions for his conduct in the ensuing session; and a committee having been appointed to draw up such address, they withdrew, and after some time returned with the underwritten address; which was publicly read by the Chairman, paragraph by paragraph, and unanimously agreed to and signed by the freeholders present: And it was further resolved, that as soon as such freeholders as could not attend shall have signed the said address, the Sheriff be requested to forward it to Mr. Stewart.

Resolved, That the thanks of this meeting be given to the Sheriff, for having convened it, and for his obliging and impartial conduct in the chair; and that he be requested to publish the acts of this meeting, by causing the same to be printed in the Belfast News-Letter, and in the Dublin Evening-Post respectively.

To ROBERT STEWART, *Esq. Knight of the Shire for the County of Down.*

SIR,

The little success which has attended your noble and steady efforts, and these of the other virtuous and independent Members of Parliament, in the close of the last session, has called upon us again to declare our sentiments on public affairs; again to shew that you give not in Parliament your own unbiassed voice alone, but the fixed and general sense of your numerous constituents; again to shew that those constituents know their rights, and those of their country, and that they will regularly renew their demands, till they command that success which they deserve, and which ever must attend perseverance in the right.

We therefore, Sir, beg leave to repeat to you, that we expect you to renew your efforts for the promotion of every measure that may tend more firmly to establish the independence and exclusive competency of our legislature; to labour to restore our King, Lords, and Commons to their ancient right of legislation, by a final extinction of the monstrous and unconstitutional powers of the Privy Council, as introduced by the law of Poyning. To give your strenuous support to a Habeas Corpus act, justly considered by our fellow subjects in England as a second Magna Charta. To provide for the impartial administration of justice, by securing the independence of the Judges; a measure recommended to Parliament by our most gracious Sovereign, but hitherto frustrated by his Ministers. To restore the independence of the Houses of Parliament, by the abolition of all such places and pensions as neither reward public virtue, nor promote public service. To use your best endeavours to obtain a limited Mutiny Bill, instead of the present. To re-

alize and secure to this kingdom her late acquisition of a free trade, by a revision of the act intended to equalize the duties: And to promote an enquiry into the expenditure of the public money.

As the sure mode of effectuating those necessary measures we call upon you, Sir, to withhold your consent from the grant of any supply for a longer term than six months, that the redress of national grievance may precede the more liberal grants of national treasure.

At a meeting of the Sovereign, Burgeses, and principal inhabitants of the town of Belfast, in the Town-House of Belfast, on the 15th day of October, 1781, duly convened by public notice from the Sovereign, in consequence of a requisition made to him, for the purpose of instructing the Representatives in Parliament of said town:

GEORGE BLACK, *Esq. Sovereign,*
in the Chair.

Resolved unanimously, That the following instructions be presented.

To the Hon. HENRY SKEFFINGTON
and ALEXANDER CROOKSHANK,
*Esq. Representatives in Parliament
for the Borough of Belfast.*

Gentlemen,

At the commencement of a session of Parliament, in which we trust that our civil and commercial rights will be established on a solid and permanent foundation, we should think ourselves wanting in duty to our country and to our posterity, if we neglected to exercise the constitutional right of conveying to our Representatives our instructions and sentiments, with respect to some points, which we conceive to be of the highest national importance.

The experience of your zeal and vigilance, in former sessions, precludes the necessity of urging you, in this critical conjuncture of affairs, diligently to attend your duty in Parliament.

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We instruct you, Gentlemen, to use your most strenuous endeavours to promote and support a full and unequivocal declaration, that the King, Lords, and Commons of Ireland, constitute the only authority competent to make laws to govern this kingdom.

We also instruct you to exert yourselves to the utmost, to obtain a proper modification of that law of Sir Edward Poyning, by which a dangerous breach is made in the most interesting part of our constitution.

The general spirit of our laws obviously intends to preserve the liberty and property of every individual in the community; we therefore instruct you to endeavour to procure an Habeas Corpus Act, similar to that in our sister kingdom, which is justly considered as the most perfect security of the personal freedom of the subject.

We instruct you farther, to employ your best abilities and influence, to have a law passed, by which the Judges will hold their places during their good behaviour:—A law which will render men in those high offices more respectable and independent, and consequently ensure a due and impartial administration of public justice.

We strongly recommend to you, to procure a revival of the Mutiny Bill; which in its present form, we apprehend, may be of dangerous tendency, because it is unlimited in its duration.

We reflect, with singular satisfaction, on the removal of many of those restrictions, which long fettered and confined our trade, and fomented jealousies and animosities between Great-Britain and Ireland; but we must observe to you, Gentlemen, that unless a fair and just equalization of duties is obtained, we shall lose some of the most material advantages which we expected

to derive from the extension of our commerce.

The expenditure of the public money affords an ample field of necessary enquiry; we instruct you diligently to promote that enquiry: and if such expenditure shall appear to have been profuse or corrupt, we expect you will use your utmost abilities to reform it in future.

When we see our coasts insulted, and our trade plundered by pirates and hostile privateers, we lament that the present situation of Great-Britain, environed by enemies, incapacitates our gracious Sovereign from affording to his faithful subjects of Ireland, that protection which we are confident he wishes to grant; and on that account, it is our earnest desire to see a few frigates speedily fitted out and employed, at the expence of this kingdom, for the protection of the Irish trade, and under the command of the Irish Government: This object we must warmly recommend to your attention; and instruct you to exert yourselves to promote it.—If new funds are wanted for this most salutary purpose, we conceive they will be amply produced by appropriating thereto so much as may be necessary of the new duties that are now to be laid on West-Indian and American produce.

The undeviating integrity which has marked your conduct in the House of Commons, entitles you to our fullest confidence; and assures us of that attention to these instructions which is due to their weight and importance.

We are encouraged to hope, that the present Parliament will hold forth an eminent example of judicious determination, firmness, and unanimity, which will secure our inestimable rights and privileges, add lustre to the dignity of the national assembly, and command the gratitude,

gratitude of the present and succeeding generations.

By the direction, and at the request of the Corporation and principal inhabitants assembled in the Town-House.

GEO. BLACK, Sovereign.

Resolved, That the thanks of this meeting be given to the Sovereign, for his ready compliance in convening the corporation and principal inhabitants on this occasion.

Resolved, That these resolutions and instructions be printed in the Belfast News-Letter, the Dublin Evening-Post, and Faulkner's Journal.

The following resolutions of the Volunteer Corps of the Province of Ulster, now sitting at Dungannon, and consisting of two hundred and sixty-two officers, have alarmed Government more than any thing since the commencement of the American war. They made every exertion that was possible to prevent it, but in vain. An express was instantly sent to the Lord Lieutenant at the Castle, who lost no time in forwarding the doleful news to Lord Hillsborough.

ULSTER VOLUNTEERS.

At a Meeting of the Representatives of one hundred and forty-three Corps of Volunteers of the Province of Ulster, held at Dungannon, on Friday the 15th day of February, 1782,

Colonel WILLIAM IRVINE in the Chair :

Whereas it has been asserted, that Volunteers, as such, cannot with propriety debate, or publish their opinions, on political subjects, or on the conduct of Parliament, or Public Men :

Resolved, unanimously, That a

Citizen, by learning the use of arms, does not abandon any of his civil rights.

Resolved, unanimously, That a claim of any body of men, other than the King, Lords and Commons of Ireland, to make Laws to bind this Kingdom, is unconstitutional, illegal, and a grievance.

Resolved, (with one dissenting voice only) That the powers exercised by the Privy Councils of both Kingdoms under, or under colour or pretence of, the Law of Poynings, are unconstitutional, and a grievance.

Resolved, unanimously, That the ports of this country are, by right, open to all foreign countries, not at war with the King ; and that any burthen thereupon, or obstruction thereto, save only by the Parliament of Ireland, is unconstitutional, illegal, and a grievance.

Resolved, (with one dissenting voice only) That a Mutiny Bill not limited, in point of duration, from session to session, is unconstitutional, and a grievance.

Resolved, unanimously, That the Independence of Judges is equally essential to the impartial administration of justice in Ireland as in England ; and that the refusal or delay of this right to Ireland makes a distinction where there should be no distinction, may excite jealousy where perfect union should prevail, and is in itself unconstitutional, and a Grievance.

Resolved, (with eleven dissenting voices only) That it is our decided and unalterable determination to seek a redress of these grievances ; and we pledge ourselves to each other, and to our Country, as freeholders, fellow citizens, and men of honour, that we will, at every ensuing election, support those only, who have supported, and will support, us therein ; and that we will use

use all Constitutional means to make such our pursuit of redress speedy and effectual.

Resolved, (with one dissenting voice only) That the right honourable and honourable the Minority in Parliament, who have supported these our constitutional rights, are entitled to our most grateful thanks; and that the annexed address be signed by the Chairman, and published with these resolutions.

Resolved, unanimously, That four members from each county of the Province of Ulster (eleven to be a quorum) be, and are hereby appointed a committee till next general meeting, to act for the Volunteer Corps here represented, and, as occasion shall require, to call general meetings of the province, viz.

Lord Viscount Enniskillen, Colonel Mervyne Archdall, Col. William Irvine, Col. Robert M'Clintock, Col. John Ferguson, Colonel John Montgomery, Col. Charles Leslie, Col. Francis Leslie, Col. Francis Lucas, Col. Thomas Morris Jones, Col. James Hamilton, Col. Andrew Thompson, Lieut. Charles Nesbit, Lieut. Col. Alexander Stewart, Major James Patterson, Major Francis Dubbs, Major James M'Clintock, Major Charles Duffin, Capt. John Harvey, Capt. Robert Campbell, Capt. Joseph Pollock, Capt. Waddell Cunningham, Capt. Francis Evans, Capt. John Cope, Capt. James Dawson, Capt. James Atcheson, Capt. Daniel Eccles, Captain Thomas Dickson, Capt. David Bell, Capt. John Coulston, Capt. Robert Black, Rev. William Crawford, Mr. Robert Thompson.

Resolved, unanimously, That said Committee do appoint nine of their members to be a Committee in Dublin, in order to communicate with such other Volunteer Associations in the other provinces, as may think proper to come to similar resolutions, and to deliberate with them on the

most constitutional means of carrying them into effect.

In consequence of the above resolution, the Committee have appointed the following gentlemen for said Committee, three to be a quorum, viz. Col. Mervyne Archdall, Col. William Irvine, Col. John Montgomery, Col. Thomas Morris Jones, Major Francis Dubbs, Capt. Francis Evans, Capt. James Dawson, Capt. Joseph Pollock, Mr. Robert Thompson,

Resolved, unanimously, That the Committee be, and are hereby intrusted to call a general meeting of the Province within twelve months from this day, or in fourteen days after the dissolution of the present Parliament, should such an event sooner take place.

Resolved, unanimously, That the Court of Portugal have acted towards this kingdom (being part of the British empire) in such a manner, as to call upon us to declare, and pledge ourselves to each other, that we will not consume any wine of the growth of Portugal; and that we will, to the extent of our influence, prevent the use of said wine, save and except the wine at present in this kingdom, until such time as our exports shall be received in the kingdom of Portugal, as the manufactures of part of the British empire.

Resolved, (with two dissenting voices only, to this and the following resolution) That we hold the right of private judgment, in matters of religion, to be equally sacred in others as in ourselves.

Resolved, therefore, That, as men, and as Irishmen, as Christians, and as Protestants, we rejoice in the relaxation of the penal laws against our Roman Catholic fellow-subjects; and that we conceive the measure to be fraught with the happiest consequences to the union and prosperity of the inhabitants of Ireland.

Resolved, unanimously, That the
Dundalk

Dundalk Independent troop of light dragoons, commanded by Captain Thomas Read, having joined a regiment of Newry legion, and petitioning to be received as part of this body, and under its protection, is accordingly hereby received.

Whereas a letter has been received by the Chairman of this meeting, from the United Corps of the county of Cavan, Colonel Ennery in the chair, declaring their readiness to co-operate with their brother volunteers in every constitutional support of their rights :

Resolved, unanimously, That the thanks of this meeting be presented to the said United Corps of said county of Cavan for their spirited resolution, and that a copy of the proceedings of this meeting be enclosed by the Chairman to Colonel Ennery, to be by him communicated to the said United Corps; and that they shall have a right, if they chuse, to associate with the corps represented at this meeting, to nominate four members to act with those already appointed as a committee by the Delegates at this meeting.

Resolved, unanimously, That the thanks of this meeting be presented to Captain Richardson and the Dunganon Light Company, for their politeness in mounting guard this day.

Resolved, unanimously, That the thanks of this meeting be presented to the Southern battalion of the first Ulster regiment, commanded by the Earl of Charlemont, for that patriotic zeal which, we are convinced, induced them to call this meeting.

Resolved unanimously, That the thanks of this meeting be presented to Captain James Dawson, for his readiness in undertaking the office of Secretary to this meeting, and for his particular attention and ability in the laborious duty thereof.

Resolved unanimously, That these resolutions be published.

To the Right Honourable and Honourable the Minority in both Houses of Parliament.

My Lords and Gentlemen,

We thank you for your noble and spirited, though hitherto ineffectual, efforts in defence of the great constitutional and commercial rights of your country.—Go on.—The almost unanimous voice of the people is with you; and in a free country the voice of the people must prevail. We know our duty to our Sovereign, and are loyal: we know ourselves, and are resolved to be free. We seek for our rights, and no more than our rights; and, in so just a pursuit, we should doubt the being of a Providence, if we doubted of success.

Signed by order,

WILLIAM IRVINE, Chairman.

In Committee,

Resolved, unanimously, That the corps of this province, not represented at the meeting held this day, be, and they are hereby invited to join in the resolutions of said meeting, and to become members of said association, on the most equal footing.

Resolved, unanimously, That such corps may chuse to join the said association, be, and they are hereby requested to communicate their intentions to our Secretary, Captain Dawson, Union Lodge, Loughbrickland, who will lay the same before the Chairman and committee.

WILLIAM IRVINE, Chairman.

Copy of a letter from Gen. GREEN to the President of Congress, from his Head Quarters at Martin's Tavern, near Ferguson's Swamp, in South-Carolina, Sept. 11, 1781.

In my dispatches of the 25th of August, I informed your Excellency that we were on the march to Friday's Ferry, with the intent of forming a junction with the troops of the State, and a corps of militia who

were

were there assembled, and to attack the English army encamped near M'Leod's Ferry.

On the 27th, upon our arrival there, I received advice that the enemy had retired. We passed the river at Howel's Ferry, and our first post was Mothe's plantation, where I learned that the enemy had stopped at Eutow's Spring, about 40 miles from us, where they had received a reinforcement, and they prepared to establish a post there. To dislodge them, I determined to hazard an engagement, although we were considerably inferior in number.

We began to march on the 5th of September, and we advanced by small marches, as well to disguise our intention, as to give time to General Marion, who had been detached, to rejoin us; so that it was the 7th when we came to Bendeil's plantations, within 17 miles of the enemy.

We marched to attack the enemy at four o'clock in the morning of the 8th. Our front line was composed of four small battalions of militia, two of North, and two of South Carolina; our second line consisted of three small brigades of continental troops, one of North Carolina, one of Virginia, and one of Maryland; Lieutenant-colonel Lee, with his legion, covered our right flank; and Lieutenant-colonel Henderson, with the state troops, our left. Lieutenant-Colonel Washington, with his cavalry, and the Delaware troops, formed the body of reserve. Two three pounders were in the front of our line, and two six pounders with the second line; the legion and state troops formed our advanced guard, and were to retreat on our flanks when the enemy should form. We marched in this order to the attack. The legion and state troops met with a part of the enemy's horse and foot, about four miles from their camp, and put them to flight with

fixed bayonets, having killed and wounded many. As we thought this was the van of the enemy, our first line was ordered to form, and the legion and state troops to take post on our flanks. From the place of action to Eutow Springs, the whole country is covered with wood. The firing began at three miles from the English camp. The militia advanced firing, and the advanced posts of the enemy were routed; the fire redoubled, our officers behaved with the greatest bravery, and the militia gained much honour by their firmness; but the fire of the enemy, who continued to advance, being superior to ours, the militia were obliged to retreat.

The Carolina brigade, under General Sumner, were ordered to support them, and though not above three months raised, behaved nobly. In this moment of action, the Virginians under Col. Campbell, and the Marylanders under Col. Williams advanced in the face of the enemy's fire, a terrible cannonade and a shower of bullets, overturned all that presented, and the enemy were put to the route.

Lieutenant-colonel Lee turned his left flank to the enemy, and charged them in the rear, while the troops of Maryland and Virginia charged them in the front. Colonel Hampton, who commanded the troops of the state, charged one part, of whom he made 100 prisoners. Colonel Washington advanced with a corps de reserve upon the left, where the enemy appeared to prepare again to make resistance, and charged them so impetuously with his cavalry, and a body of infantry, that they had not time to rally.

We continued to pursue the enemy, after having broken them, until we attained their camp. A great number of prisoners fell into our hands, and some hundreds of fugitives escaped towards Charlestown: but a party

party having got into a brick house three stories high, and others took post in a pallisadoed garden, their rear being covered with Springs and hollow ways, the enemy renewed the fight. Lieutenant-colonel Washington did his utmost to dislodge them from a thick wood, but found it impossible; his horse was killed under him, and himself wounded, and taken prisoner; four cannon were advanced against the House, but the fire from it was so brisk, that it was impossible to force it, or even to bring on the cannon, when the troops were ordered to retreat, and the greatest part of the officers and men who served those cannon were either killed or wounded.

Washington having failed in his attack on the left, the legion could not succeed on the right; and seeing our foot roughly handled by the enemy's fire, and our ammunition almost expended, I thought it my duty to shelter them from the fire from the house; being persuaded that the enemy could not maintain their posts but a few hours, and that we should have better play on their retreat, than to obstinately persist in dislodging them, which would expose us to a considerable loss.

We collected all our wounded, except those who were too forward under the fire of the house, and we returned to the Bank, which we occupied in the morning, not finding water any where nearer, and our troops having great need of refreshment, after a fight which had continued four hours, I left upon the field of battle a strong piquet. I shall send Colonel Lee and Gen. Marion early to-morrow morning between Eutow's and Charles Town, to prevent the reinforcements which may come to succour the enemy, or to retard their march, if they attempt to retreat; and give room to the army to attack their rear-guard, and complete our success. We lost two pieces

of artillery to the enemy, and we have taken one of theirs.

The night of the 9th, the enemy retired, leaving more than 70 of their wounded behind them, and more than 1000 arms, which they had broken, and concealed in the Springs of the Eutow's; they flaved 20 or 30 barrels of rum, and destroyed a large quantity of provisions, which they could not carry with them.

We pursued them as soon as we had notice of their retreat, but they joined Major Arthur; General Marion and Colonel Lee, not having troops enough to hinder them. At our approach they retired to Charles Town. We took 300 prisoners, including the wounded they had left behind; and I reckon they had not less than 600 killed and wounded. The fugitives spread such an alarm, that the enemy burnt their provisions at Dorchester, and quitted their post at Fair Lawn. A great number of negroes and others have been employed to throw down trees across the roads, at some miles from Charles Town. Nothing but the brick house, and their strong post at Eutow's, hindered the remains of the English army from falling into our hands.

We have pursued them to the Eutows, but could not overtake them. We shall rest here one or two days, and then retake our old position near the heights of Santee.

I think I owe the victory which I have gained to the brisk use the Virginians and Marylanders, and one party of the infantry, made of the bayonet. I cannot forbear praising the conduct and courage of all my troops.

Signed,

NATH. GREENE;

State of the Continental troops.

Killed. One Lieutenant-colonel, 6 Captains; 5 subalterns, 4 serjeants, 98 rank and file.

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Wounded

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Wounded. Two Lieutenant-colonels, 7 Captains, 20 Lieutenants, 24 serjeants, 209 rank and file. Total 408 men.

State of the Continental troops of the State and Militia.

Killed. One Major, 4 subalterns, 4 serjeants, 16 soldiers.

Wounded. Three Lieutenant-colonels, 6 Captains, 5 subalterns, 8 serjeants, 91 soldiers.

Missing. Eight soldiers. Total 146 men.

Total of the killed, wounded, and missing, of the Continental troops of the state and militia, 554 men.

Published by order of Congress,
CHARLES THOMSON, Sec.

Extract of a Letter from Calcutta, April 14th, 1781.

The following gentlemen were appointed cadets on the 10th inst.

Bartlet H. Kelly, W. Cunningham, R. Eyton, A. Lambert, Pat. Murray, — Bullock, Lewis Valle, — Collier, Rich. M'Kin, D. M'Pherson, Daniel Gillet, Donald M'Leod, William Lewin.

Calcutta, April 21.

The H. G. Gen. and Council. have been pleased to make the following appointments to the Courts of Dewanny Adawlut.

Midnapore. Mr. Shearman Bird; Mr. William Camac, Register.

Rogonutpore. Mr. Lawrence Mercer; Mr. Henry Douglas, Register.

Lowje. Mr. John Perring; Mr. Cornelius Fryer, Register.

Derbunga. Mr. John Champian; Mr. Cornelius Bird, Register.

Ta'opoe. Mr. Benj. Grindall; Mr. Marmaduke Grey, Register.

Natore. Mr. John Addison; Mr. David Vanderheyden, junior, Register.

Azmerygunge. Mr. Matthew Day; Mr. George Thompson, Register.

Dacca. Mr. William Hindman, Register.

Bakergunge. Mr. William Wroughton; Mr. Robert Ireland Register.

Moorly. Mr. Tilman Hencknell; Mr. Richard Rocke, Register.

Calcutta. Mr. Samuel Beachcroft, Register.

Burdwan. Mr. Thomas Brooke, Register.

Moorhedabad. Mr. Ives, junior, Register.

An epidemical distemper in Calcutta has carried off no less than 1500 of the poorer sort of natives within this fortnight. The servants of European gentlemen are so much alarmed, that great numbers of them have run away. The general symptoms of this disorder is a violent vomiting and purging, which if not taken in time, the person afflicted dies in less than an hour. It is supposed to be occasioned by drinking the river water, which is this year very brackish. Warm wine with spices, and spirits, have been given with very great success, and almost every person has recovered, that could be prevailed upon to taste either the one or the other.

Calcutta, April 28.

Promotions in the corps of artillery: Captain Lieutenant Baraud and Bruce to be Captains; Lieutenants M'Intyre and Lyon to be Captains; Fireworkers Gillespie, Legertwood, and Vernon, to be Lieutenants; Messrs. Griffin, Cunningham, and M'Pherson, to be Lieutenant Fireworkers, and Messrs. Sands, Since, Briggs and Balfour, to be Cadets.

Letters from Colonel Pearse's detachment mention the death of Lieutenant Wilkinson of the Artillery. Also that the troops were to halt at Ellore for the Mahratta horse.

On Wednesday evening the long boat belonging to the Dartmouth was overset by the Scro, a little below Calcutta; the 4th mate and five seamen were drowned; one man was taken

taken up that had been swimming upwards of three hours.

MILITARY PROMOTIONS.

Capt. Scrymgeour is appointed Aid de Camp, and Lieut. Henderson, Persian interpreter to Col. Sir John Cummings.

The following gentlemen, appointed Cadets by the Court of Directors, are promoted to the rank of Ensigns, and ordered to join their different corps as follow: 3d regiment, Messrs. Robert Mitchell, Ellis St. John, John J. Adams, and William Evans; 2d regiment, John Campbell, Thomas M. Millan, Hugh Atkinson, W. N. Mafton, Henry Jackson and Charles Evelin; and the following are appointed Ensigns; Alcock, W. Newberry, J. Hughes, G. Pine, T. Morgan, and John Towers.

Mr. George Forbes, an Advocate of Aberdeen, writ a letter some time ago to the King of Prussia, to make his Majesty acquainted with the bad treatment which one of his subjects had experienced in Scotland: The man's name was Janssen; he was Captain of a vessel belonging to East-Friesland, was taken under Prussian colours, by a Scotch privateer, and carried into Scotland. Mr. Forbes thinking that Janssen's case was a very hard one, left nothing undone to serve the man, and have his ship restored to him; but in vain; he therefore resolved to make the situation of Janssen known to his Sovereign; and therefore writ to Berlin, to the King of Prussia, on the subject. In a very few posts, Mr. Forbes was honoured with the following letter from the Great Frederick:

"S I R,

"I received your letter of the 6th of October, and as far as it related to yourself, it gave me singular satisfaction. I understand from you, that one of my subjects, named Ton-

jes Roelofs Janssen, of my Province of East-Friesland, was, in the course of his navigation with his ship, in which he was carrying on a trade perfectly free and legal to all neutral owners, taken and carried into Aberdeen by a Scotch privateer, and treated with a severity which the Laws of Nations must condemn; and that hitherto, notwithstanding all your efforts and good offices to assist him, he has not been able to get his ship released, or to obtain either justice or satisfaction. You judge very rightly, Sir, when you thought before-hand, that such treatment to one of my subjects, though of inferior rank, could not but be displeasing to me; but, Sir, on the other hand, it gave me infinite pleasure to hear, that though you was a perfect stranger to me, you voluntarily undertook the defence of oppressed innocence, against the injustice of your own country. I feel myself sensibly affected by this generous conduct on your part; and I take this earliest opportunity to make you my acknowledgments, and express the grateful sense I entertain of you, on account of your efforts, however fruitless they may have proved, to protect the innocent from the oppression of power. My particular esteem is due to you; and I cannot sufficiently admire so very rare a virtue as you have exhibited on this occasion. If a man of your way of thinking stood in need of any other recompence than that which arises from a sense of having acted nobly, I should hold it to be my duty to reward him.

"Without loss of time I communicated the contents of your letter to Comte de Lusi, my Minister at the Court of London; and I have given him the most precise and positive orders, to make the strongest remonstrance to the Ministers of his Britannic Majesty, that the unfortunate Janssen and his ship may be released,

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leased, and speedy and ample justice may be done him. I expect that this remonstrance will be followed with success; and I expect it the more, as I have taken the most just measures, by publishing two declarations, in which all my subjects are forbidden to carry on, during the course of the present war, any other trade, than such as is perfectly harmless, and strictly conformable to the rights of nations, and no way injurious to any of the belligerent powers. I recommend the unfortunate Janssen to your further care; and pray God to keep you, &c."

FREDERICK.

Hague, Jan. 30. Monsieur de St. Saphorin, his Danish Majesty's Envoy, has delivered to their High Mightinesses a memorial concerning two Danish ships having been detained at the Cape of Good Hope: it is to the following purport:

"The ships of the Danish company of merchants trading to the East-Indies, the *Sophia Frederica*, Capt. Clemens, and the *Copenhagen*, Capt. Cruger, homeward-bound, arrived, the former on May 1, the other on the 5th of July, at the Cape of Good Hope. Ever since no tidings have been received about them, no doubt because the respective captains were not permitted to write till the commissioner at that place made known their arrival in a few words, giving at the same time information that the above ships could not sail for Europe till the month of October following, and this for good and valid reasons. By this means the *Sophia Frederica* will have been detained five months, and the *Copenhagen* three. It is impossible to guess what may have been the motives of stopping for so long a time, and in so prejudicial a manner, two neutral ships belonging to a friendly power, relying on the

faith of treaties. Your H. M. are not to be told, that if there be instances when neutral ships are stopped, lest even against the maller's own intention, some intelligence should transpire by their means, if the delay they then experience does exceed a few days, is productive of manifest damage to a neutral power, unless the embargo laid upon them is altogether with a view of making good such damages, and the injuries such ships are likely to sustain by the autumnal storms. The underwritten has received, from the King his master, a positive command, seriously to intreat your H. M. to give speedy orders that similar incidents, which cannot be but displeasing to you, and no ways authorised, except only on the eve of a rupture, and only for a short time, may never happen again. The underwritten, trusting your H. M. will think it advisable to put an effectual stop to such proceedings, has it moreover in command, to beseech you in the most respectful manner, to give him information of all declarations and tidings you have no doubt received on this subject; and he sincerely hopes that the said declarations will prove fully satisfactory, so as to remove all apprehensions occasioned by the above event. The underwritten is also commissioned to testify to your H. M. how much his Majesty is pleased with the repeated marks of friendship he has received from you; and it is a private satisfaction for the underwritten to give these assurances to your H. M."

(Signed)

ST. SAPHORIN,

Hague, Jan. 25, 1782.

The above memorial was received by the Provinces of Holland and Zealand, and by them referred to the Directors of the East-India Company.

HAGUE,

HAGUE, *February 3.*

The following is the proclamation issued out by the States, for appointing a day of fasting and prayer:
Noble and Mighty Lords,

A just and adorable Providence, which hath for a long time admonished us, but in vain, hath at last made us feel its chastisement, seeing our neglect and obstinacy still continue to bear heavy upon us.—The year which has just elapsed, has proved a trying time in many respects. Attacked by a powerful ally, but now our enemy, we have seen our colonies invaded and wrested from us, whilst our trade and navigation, the sources of our prosperity, and even of our political existence, have received the deepest wounds. We have seen our country afflicted with the heaviest misfortunes, both from foreign foes, and by our intestine dissensions and animosities. In the midst of darkness and horror, the sins of the nation have no ways decreased—all seem to remain in the same situation—we betray the very same insensibility and indifference, though threatened on all sides.—The same vanity and luxury, the same depravity of morals and conduct, still prevail amongst us: nay, a total apathy in matters of religion—a proud selfishness, and self-interested views, the bane of patriotism: discord and animosity, a want of respect for the ruling powers, and an unbridled spirit of anarchy.—The alarming symptoms of a state, weakened, and verging towards its decline, have over-run the nation. Thus we see that Providence visits our iniquities, not only by the calamities of war, but that our own sins become, in its hands, the instruments of our misfortunes.

From these moving considerations, we have been induced to issue this proclamation, and appoint a day of fasting, prayer, and thanksgiving, for Wednesday the 27th instant, to

be observed throughout the United Provinces, States, and Towns there-to belonging, in order to worship and magnify, with due solemnity, the Almighty, who has hitherto with-held the messengers of his wrath from totally effecting our destruction; to acknowledge our entire dependency upon his infinite goodness; to beseech the discontinuance of a ruinous war, by imploring his blessings; to find out such lawful means as may forward it in a manner, equally conducive to the good and welfare of the state; to entreat the Almighty to restore us, our families, and country to his merciful protection; and supplicate him, by the merits of our Saviour Jesus Christ, to forgive us all our sins and transgressions; granting at the same time, through his mercy, the aid and assistance necessary to reclaim and preserve a sinful generation.

It is our duty, on this occasion, to beseech a singular blessing for the persons and government of our Sovereigns; that wisdom, unanimity, concord, and a zeal perfectly disinterested, may preside over all their councils, and crown with success their deliberations, their arms, and every undertaking conducive to our independence, the observation of our rights and liberties, the encouragement of true religion, national virtue, and also the welfare and prosperity of this Republic. Mean while we ought to implore the Divine protection for his most Serene Highness, his Royal Consort, and Children; that their lives may be long and happy, crowned with the most precious blessings; that the Prince's government, on account of his vigilance, assiduous efforts, and his sincere affection for the country, may be productive of effects equally fortunate and salutary for this Republic, and his own illustrious house; that his posterity may deserve the immortal name it is heir to, and,
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under God, furnish us, for a long series of years, with zealous protectors of our religious and civil rights and liberties.

But whilst we are deprecating from us our own calamities, it behoves us to shew ourselves concerned for the conclusion of a general peace, and the tranquility of Europe, by entreating the Supreme Being, who directs all events, to incline the hearts of the Princes and Sovereigns to hearken to the voice of justice and humanity, for the restoration of peace wherever discord has raised those scenes of blood and distress.

In fine, we should join in prayer for all Protestant Churches wherever they may be, that the labours of their Ministers may forward the cause of religion, of brotherly affection and concord, that thus a spirit of national virtue and true piety may diffuse itself amongst us, and draw upon this nation the blessing and protection of the Supreme Being to our latest posterity.

Translation of a letter from DEWAGUR PUNDIT, Minister to MOODAJEE BOOSLA, the Raja of Berar, dated the 5th of April, to Mr. HASTINGS, received the 16th May, 1781.

After the usual compliments,

Prior to this, in the fullness of friendship and respect, which God the Creator of Heaven and Earth knew to be sincere, I wrote four letters concerning the affairs of this province, stating the business in agitation, in all its points of view; and setting forth the measures to be taken, and the consequences attending your resolution for peace or war. That if, in order to restore your reputation, which had suffered from the incapacity of the Bombay Commanders, you were determined upon war, there were such and such mea-

asures necessary to be taken, to carry it on with success; that if you spoke the language of peace, and wished that the garden of the State should preserve its beauty unviolated by the thorns of war and confusion, you should send proposals for a treaty fully and particularly drawn out, respecting every article, in such and such form, and to such and such purport, that the thorns of Discontent might be removed, and a foundation laid for our mutual agreements, to last for ever—that the country might flourish in tranquility, the inhabitants be at ease, and the General and soldiers free from the fatigues of incessant toil.—I conclude that these letters have been respectively received, and that you must be acquainted with their contents; and most undoubtedly your extensive capacity, and universal knowledge, have enabled you to comprehend the secret meaning of every hint and suggestion, contained in the lines which I wrote regarding the negotiation of a treaty; and will have considered every matter, both in its beginning and its consequences. But, as contrary to former custom, when a mutual correspondence every month respecting business subsisted between us, your answer in the present instance, although the welfare of the State depended so much upon it, has been delayed: My heart, which is captivated in the ties of affection and good wishes towards you, is involuntarily struck with surprise, and filled with uneasiness. The Raja himself, often calling to mind the excellence of your disposition and understanding, asks what can be the reason, that in three months no letter has arrived from Calcutta; what reason can I assign? I replied, that as the letters sent from here were all written in the cause of peace—through the favour of the Almighty, their contents were engraved in your heart—since you of yourself had sent a draft of a treaty.

treaty. But, as the daring ambition of Hyder Naig has filled Arcot with war and confusion, that you being unable to bear this daring insolence, were taken up with the necessary preparations of sending troops, &c. to chastise it, occasioned this delay; but that it was no matter, as your answer would certainly arrive in a few days.—To speak to the point at once.—The greatness of the wealth, and the numerous armies of the State, the strength and power of the Purdaun Pandit and his Generals, (the multitude of forts and strong holds in their possession, and the strength, valour, and prowess which they have displayed for these fifty years past, in the wars carried on in the Decan and Hindostan, are written on the leaves of the world, and are too well known to need a repetition. There are few places in Decan or Hindostan, which have not felt the hoofs of the Maratta horses) their armies spread like the ocean, and are in all places.—But praises, a thousand praises, to the excellence of your measures, your exertions in war, and your regard to honour and glory—that amidst the discord which shakes the world, you stand like a rock on your own ground, unmoved; and in proportion as the troubles increase beyond the power of remedy, your strength and prowess rise superior a hundredfold; who, only from the circumstance of a Frenchman's having been admitted to the presence of Regency of Poonah, discovered the scent of enmity and separation, and instantly conceived the remedy, sent a force under the command of Colonel Leslie, against this place, and dispatched Mr. Elliot to negotiate the affair; and when that Gentleman died on the expedition, Bene Ram Pandit was furnished with proper dispatches and instructions from hence. General Goddard was written to, that at first he should try every means, and use his utmost en-

deavours for peace; but in case of this failing, he was to proceed to hostilities.—After the defeat of the Bombay detachment, General Goddard marched to Surat, seized upon Guzerat, and gave assistance to Futty Sing Guicowar. Letters were sent to the Government of Poonah and to me, for a ratification of a treaty as laid down by Col. Upton, which by the unfortunate chances of things, were not attended to; and by the advice and suggestion of the Nabob Nizam Ul Dowlah, a plan was laid out to effect the business by war.—Forces were sent into every quarter; the valour and activity shewn by your troops when in the field, need not be repeated. The intrepidity and skill displayed by Gen. Goddard for six months, in his attack upon Sindia, are beyond a doubt, equal to the labours of Rustum and Esfendiyar; as none before had ever been victorious over Chiefs so mighty and powerful as Sindia and Holkar. In like manner in the provinces of Madras and Arcot, &c. although the English troops are but few, and those dispersed in many places; and although Hyder Naig has a numerous army, and well provided with stores, yet their valour and resolution has not been damped, particularly since the arrival of General Coote at Madras. These are the effects of your exertions, by which your forces have gained additional strength. The whole is now assembled and are in the field against Hyder; perhaps, by this time, there has been a decisive engagement. As Hyder is in alliance with the French, and a large force is on the way by sea to assist him, the English have sent out a fleet properly equipped to intercept it.—In the Zillah of Kandesh, dependant on the province of Berhampore, the English are engaged in a bloody war with Holkar. In the province of Malva, near Oojeyn, the contest is wonderful—Sindia at the head of thirty

thirty thousand horse, attended by all the Rajahs and Zemindars of that country, making in all near fifty thousand horse, have surrounded the English troops, which had marched from Gohed and Narwa, at Seronge. The English, though their number is small, are prepared to fight them; General Goddard, in three days and nights, in defiance of the forces of Ram Chunder Gunnis, who attempted to oppose his progress, has taken the fort of Basteen, which is the first amongst the forts for strength; and after settling that strong fort, and taking some other places, he is now in the field against Hurri Pundit and Holcar, who have an army of fifty thousand tried horse, and native Generals, and many large cannon, at the Ghaut; and has taken post in places of difficult access and great natural strength. The Government and Chiefs of Poonah have thrown aside their affection to their families, and are resolved to devote their town to the flames. They only wait till they hear of General Goddard's marching from his station at the Ghaut—and then that which is to be, will take place. Although the Nabob Nizam U'Dowlah has not yet joined the Poonah army, yet he has collected his forces and made the necessary preparations.—In short, your good sense, valour, and victorious fortune, in every part, against all opposition, has lighted up so astonishing a flame of war, that for 50 or 100 years back, no power has been so universally successful against every General, and every force opposed to them. The Rajah is continually singing the praises of these exertions, and I, whose heart and soul are interested in your welfare, wish earnestly and sincerely for the honour of an interview, and that without waiting for the permission of the Minister of Pundit Purdhan, I may see, with my own eyes, the form of that greatness which is the

source of all this bravery, conduct, grandeur, state, wisdom, and knowledge of mankind; that I may explain to you my ideas, and the plan which I have for a long time revolved in my mind, for the benefit of the State; and hear from your own mouth, the observations which you shall think proper to make, that I may be able to settle the terms of such a treaty between the English and the Peshwa, as may be for the benefit of both; that the thorns of discontent, which are in the breast of the English nation, against Hyder Naig and the French, by consultation with each other, may be removed with ease. Your name and reputation is great in the world, and in the presence of the Royal Majesty of England. But what can I do? I have been six months confined by illness, and at present I am so tortured with pains in my left leg and arms, that I can scarce sit down or rise up. I receive no benefit from the medicines I take. As you have with you Gentlemen completely skilled in physic, if any such Gentleman, with proper medicines and oils, can come, it will be regarded by me as an act of the greatest favour and kindness; it will be giving a renewal of life to this well-wisher, who is equal to manifold services. And when I shall have been restored to health, and shall present myself before you, what shall be then to be done, it is superfluous to write. Whatever shall come within the compass of actual observation and experience is truth itself. But till the completion of my wishes, which depends upon my recovery, be pleased to assent to what I write, in the fulness of friendship and regard, and believe, that what I say is only from motives of truth and friendship, a foresight of consequences, and a knowledge of the affairs; and it is this, that as full revenge has been taken for the disgrace of the Bombay detachment, and the English name

name is a hundred times greater than before, and the dread and respect of the English so established over all, that if any one shall hereafter be at enmity with them, the same consequences will be expected to follow. It is, therefore, not consonant to wisdom to suffer the flames of war to lay waste and spread the earth with desolation. For what you have gained to this hour by your power, fortune, and the favour of God, be thankful, that so small a force has been able to prevail against such numerous hosts in every part! and you should, by all means, open the door to peace and friendship, and use your utmost power to root out the French and Hyder Naig.—If you should say, I myself have formed and sent a treaty, which, if they will not accept, what am I to do? The answer is this: The articles inserted in your proposals, respecting Ragonaut Row, the fort of Gualiar, and a Futtu Sing Gricwar contained obvious grounds for objection, and the affairs of State, and the greatness of the Pundit Purdhaun, by his acceding to the above three articles, would have been injured: therefore, such answers were returned as were necessary and judged proper; and further, at the time that the proposed treaty arrived here, the English forces were employed in subduing the country of Cokan, and General Goddard was likewise exerting himself with the greatest activity in the siege of the Fort of Basseen, and the flames of contention were every day gaining new strength. Wherefore, amidst this conflagration of war, where was there room for deliberation; and how could proposals for peace and friendship be approved of at such a time? They rather would be looked upon as the language of deceit. If a man was to seize another by the head, and attempt to take his turban from him, and a struggle ensue? and at such a time,

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any one was to propose to the latter a reconciliation, how would he receive such a proposal? He would first effect his own deliverance, and then listen to terms of accommodation. Your proposed treaties arrived in the midst of the ferment of war and passion, and, therefore, remained in suspense; nor had any answer arrived to what had been sent from hence. What is past, is past. At this time in which I am writing, the scale of strength between the forces of both parties hangs equal. No time can be better than the present for the work of peace; you should look upon this as propitious, and not let it slip; since the wise never let opportunity pass, for it is impossible to be recalled. Therefore, you should begin a negotiation through the medium of the Nabob Nizam U'Dowlah, who is one of the most powerful Chiefs of the Decan, and no way attached to Hyder Naig. He will represent here, whatever you shall think proper to write to him, without diminution or exaggeration; and in return, by the same channel, whatever is to be written, will be written: and let the Nabob Mobariz ul Mulk be applied to in respect of this negotiation, who is the firm pillar of the fortune and greatness of the Afoscan race, and to whom you have heretofore written; so that the Rajah, the Nabob Mobariz ul Mulk, and the Nabob Nizam ul Dowlah may join in a mediation, and obtain from Pundit Perdhaun such a treaty as may prevent any disputes in future; and a plan laid for extirpating the power of Hyder and the French. The above advice is just, and according to good sense, you will certainly see the propriety of it, and soon shew your approbation publicly; and you will believe what I have written to be the dictates of my friendship and good wishes. But, if not, the matter will be carried to such a length, that it will be impossible

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impossible to bring it again in the same train. For, how long will General Goddard remain at the Ghauts? as it will not be proper for him to retreat, he will defend from the Ghaut upon Poonah—the Maratta Chiefs, with their own hands will set fire to the town, level all their houses with the dust, and sprinkling their arms and feet with the ashes of their habitations, and devoting their families and possessions to destruction, will perform acts beyond the power of imagination, which their opponents will never be able to get the better of. Nizam U' Dowlah also, will not sit an idle spectator of the same. Hyder, with so large a force, and the assistance of the French, will not remain inactive—and Sindia, who is a renowned and warlike Chief, and who has a force of near 50,000 horse, with Rajahs and Zemindars, and who has of old rendered services to the Imperial Throne, will exert himself while able to move hand or foot. God knows what they may be able to perform, or what game the deceitful Heavens may play. You should therefore look on what has already been brought to pass as fortunate, and begin the work of peace; what I have written is merely from a regard to the friendship, which you have at all times displayed towards me. In the letters, with which you formerly honoured me, you wrote, that “On your comfort and satisfaction, depend the comfort and satisfaction of mankind, and the peace and happiness of the people. Let not, therefore, sorrow for your deceased wife prey upon your heart.” From the emotions of my heart therefore, and the impulse of friendship, which attracts me towards you, I have been induced to write so fully. I have not omitted a single point in this letter, that could contribute to set matters in the fullest light, either in weighing the present

circumstances, or looking forward to future consequences. I have the strongest hope, that you will examine the whole with yourself, word by word, and approve of all that I have said. And after the foundation of peace is thus laid, and I am relieved a little from my disorder, I will certainly do myself the honour of having one time an interview with you.

IRISH HOUSE OF COMMONS.

Wednesday, Feb. 20.

The order of the day being called for and read, for going into a committee of the whole House on the bill for the further relief of the Roman Catholics,

The House resolved itself in a committee accordingly, Mr. Dillen in the chair.

The first clause being read, Mr. Gardiner, in a clear and eloquent manner, stated the nature and intent of the bill; he thought he ought to give his reasons for postponing the matter to this time, but it was to give every gentleman an opportunity of considering the business with all due deliberation, and upon consulting, he found most of the gentlemen inclined to grant toleration to their countrymen and fellow-subjects; he had not the least doubt of gentlemen going into the measure for the good of church and state. It had been proposed to take up the Popery penal laws one by one, but he found them such a labyrinth, and so interwoven in other acts, that without a man had the statute books by heart, he thought it a task too difficult for any man to attempt, the present law was to affect the people in general, and it was a maxim, that such a law should be so clear, as to be understood by even the meanest and most ignorant of the people. This law was to repeal laws that were grievous in themselves, and there was another maxim, that no laws should exist in a country, but what

what should be carried into execution. The present law was a necessary one, and framed in his opinion, quite clear, but should be sorry gentlemen should think he was prepossessed in his own opinion; he had consulted gentlemen of the first consequence and of the first abilities in Europe, who were of opinion the law was quite clear and explicit.

An objection had been made that it ought to mention the particular acts intended to be repealed, but the bill contained the proper restrictions, so that there was no necessity for going into an obsolete code. Another objection was, gentlemen called it a sweeping clause, but it is not, for there is an exception in the very body of it. Gentlemen saw all restriction is taken off, is it no restriction that you cannot have your children educated, as home as you would wish, to be restrained from the army, the navy, or from defending your House? he mentioned the liberties enjoyed by Protestants in France and Holland long since then; asked why should

we harbour suspicions in passing this clause. He had upon consulting with gentlemen, altered some part of the bill, and drawn up some clauses by way of amendment, and in framing the bill he thought it proper to reduce it under proper heads: first, property; second, religion; third, education; fourth, marriage; fifth, personal security; though personal property was given by the former act, by this it is proposed to give the fee.

Mr. Fitzgibbon proposed an amendment; that the Catholics might have, hold, take, and enjoy lands by purchase, devise, or descent, as Protestants do.

Mr. Burgh, Mr. H. Flood, Mr. Gratton, Mr. Yelverton, and others, spoke in favor of the bill.

The House, after sitting till two o'clock, agreed to Mr. Fitzgibbon's amendment; the Chairman then reported some progress, and the farther consideration of the bill was adjourned till Saturday next.

Authentic Copy of the Minister's BUDGET for the Year 1782.

S U P P L E S, 1782.

N A V Y.

100,000 Seamen (with	21,305 }	5,200,000	0	0
Marines —	— }			
Ordinary of the Navy	—	409,766	12	9
Building, &c. of Ships	—	953,519	0	0
Navy Debt —	—	1,500,000	0	0
			8,063,285	12 9

A R M Y.

49,455 Landmen (with	4,175 In-	1,242,835	2	3
valids —	— }			
General and Staff Officers	—	43,840	6	0
Guards, Garrison, &c.	—	1,315,523	5	10
5 Battalions for Gibraltar and Minorca	— }	56,074	19	4½
13,472 Troops Hesse Cassell	—	367,203	9	10
2,094 ditto Hanau	—	61,108	11	0½
Regiment Waldeck	—	17,498	3	2½
4,300 Brunswickers	—	93,947	15	8

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Regiment

Regiment Brandenburg Anspach	43,665	12	3
933 Troops Anhalt Zerbst	23,818	11	11½
Provisions for Foreign Troops in America	55,469	0	0
Augmentation to Troops of Hesse Cassel	15,499	17	5
Ditto ditto Brandenburg Anspach	3,282	12	5
Ditto ditto Anhalt Zerbst	4,942	19	0
Artillery to Foreign Troops	27,683	14	0
Embodying Militia in South Britain, and four regiments Fencibles in North-Britain	677,497	15	10
Cloathing ditto	100,594	17	1
Regiment Light Dragoons and two Regiments Foot	21,329	18	8
One Regiment Light Dragoons, seven Battalions, and a detachment of Foot, for the East-Indies	36,280	10	8
Land Extraordinaries and Augmentations (Chelsea Hospital included, and reduced Officers)	3,316,214	5	8
			7,714,311 8 8

O R D N A N C E.

Ordinaries	712,366	3	10
Extraordinaries	899,723	15	7
			1,612,089 19 5

MISCELLANEOUS SERVICES.

Turkey Company	5,000	0	0
British Museum	3,000	0	0
American Civil Government	14,957	10	5
African Forts and Settlements	13,000	0	0
Roads and Bridges in Scotland	5,000	0	0
Rebuilding Newgate, on account	10,000	0	0
Ditto Somerset House	25,000	0	0
American Sufferers	68,439	16	0
Salt-Petre, &c. Contracts	50,000	0	0
Justitia Hulks	14,719	4	0
Commons Addresses	8,672	5	0
			217,788 15 5

E X C H E Q U E R B I L L S.

Vote of Credit last Sessions discharged	1,000,000	0	0
Discharged before Christmas Recess	1,500,000	0	0
Discharged after Christmas Recess	1,420,000	0	0
Remain unissued to pay Lottery Prizes	480,000	0	0
			4,400,000 0 0

DEFICIENCIES.

(189)

D E F I C I E N C I E S.

Deficiency, Fund, 1758	—	35,149	8	0 $\frac{1}{2}$
Ditto, ditto, 1778	—	183,380	3	8
Ditto, ditto, 1779	—	102,806	9	4
Ditto, ditto, 1780	—	153,193	8	11
Ditto, Coinage	—	8,113	16	7
Ditto, Land and Malt	—	400,000	0	0
		<hr/>		
		882,643		6 7
		<hr/>		
		£.22,900,119		2 4
		<hr/>		

W A Y S A N D M E A N S, 1782.

Land and Malt	—	—	2,750,000	0 0
SINKING-FUND, SURPLUSSES, viz.				
Medium produce of three last years	2,803,813	4	0	
Balance in Exchequer Michaelmas, 1781	}	203,795	11	10
Duties from India Company, payable this month, postponed on account of the late arrival of last year's fleet		163,000	0	0
Half-year's dividend $\frac{1}{2}$ per Cent. on $3\frac{1}{2}$ per Cent. Annuities, 1758, from 5 July, 1782.		11,250	0	0
		<hr/>		
		3,181,851	15	10
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Taken, for the round sum of Surplus Grants, 1781	—	—	3,100,000	0 0
		254,475	7	5
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Deduct interest on Exchequer Bills, &c.	}	144,331	18	9
Paid Bank of England prompt payment to proprietors of Loan, 1781		93,537	2	8
		<hr/>		
		237,869	1	5
<hr/>				
Nett Surplus Grants	—	—	16,608	6 0
New Exchequer Bills	—	—	3,500,000	0 0
Annuities and Lottery	—	13,905,000	0	0
Deduct Lottery Prizes	—	405,000	0	0
		<hr/>		
			13,500,000	0 0
Sundry Savings	—	—	100,000	0 0
French Prize Money	—	—	10,000	0 0
Sale Ceded Islands	—	—	5,000	0 0
Duty on Gum Seneca	—	—	1,000	0 0
		<hr/>		
		£.22,982,608		6 0
		<hr/>		

S U P P L Y — —
W A Y S A N D M E A N S22,900,119 2 4
22,982,608 6 0

EXCESS OF PROVISIONS

82,489 3 8

The following is said to be a list of those gentlemen who have subscribed for the whole loan, which may be depended upon :

East-India Company,	—	—	£1,200,000
Drummond,	—	—	2,400,000
Harley,	—	—	2,100,000
Payne,	—	—	2,100,000
Atkinson,	—	—	2,000,000
Thornton,	—	—	1,000,000
Coutts,	—	—	1,000,000
Child,	—	—	1,000,000
Harman,	—	—	1,000,000
			<hr/>
			£13,500,000

Another STATE of our FINANCES. By the Earl of STAIR.

The Interest of the Debt before the War, amounts yearly to	£4,220,000
The Civil List Establishment, &c. is estimated to amount yearly to	1,200,000
The Funded Debt of the present War, amounts yearly to	2,600,000
Peace Establishment, will amount yearly to	4,300,000
<hr/>	
	£12,220,000

Debts contracted in 1781, waiting for Funds :

Navy Debt, on the 31st December, 1781,	£11,000,000
Exchequer Bills	3,400,000
Debt to the Bank	2,000,000
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Unfunded Debt, remaining in 1781, — £16,400,000

Debt that must be contracted for 1782 :

The Loan	17,000,000
Extraordinaries of Sea and Land, for 1782	10,000,000
Winding up, and Arrears of the War	9,000,000
<hr/>	

Total Unfunded Debt for 1781, and what Funded, or Unfunded, must be incurred for 1782, exclusive of any Arrears the Civil List may have fallen into — £52,400,000

Of which Fifty-two Millions Four Hundred Thousand Pounds, only Fifty Millions (to keep within bounds) are charged to the public, at an interest of 5 1-half per cent. with the expence at the Bank included, making yearly — — — — — 2,800,000

On a supposition of a peace being concluded in 1782, the annual charge on the public, exclusive of collection and and management, will be of net money — — — £15,020,000

Declaration

Declaration and further Decree of his Majesty the King of Prussia, concerning the Navigation and Maritime Commerce of his subjects during the present war.

“ His Majesty the King of Prussia, has already made known sufficiently in his first Declaration of the 30th day of April, in the present year, that he was determined to observe the strictest neutrality during the present naval war; and that it was his intention to direct the navigation of his subjects in such a manner, as that while they availed themselves of their natural privileges and liberty, they might avoid doing any injury to the belligerent powers, and that the latter might not have a single cause of complaint. Nevertheless, as he learns, both by public report, and by several complaints which have been laid before him, that foreign merchants belonging to the belligerent powers, make use of the Prussian flag, to carry on a prohibited traffic, his Majesty solemnly declares by the present, that he will never grant, either the protection of his flag, or passports, to any but such as are really and truly his subjects, and who in that quality are settled, and have goods, houses, and possessions, in his dominions. And if any other foreign navigators, who are not provided with Prussian passports, make use of the Prussian flag, which cannot be prevented out at sea, his Majesty will grant them neither protection nor support, but will at once abandon them to their fate. As therefore the abuses committed by foreigners, which his Majesty is unable to prevent, cannot be imputed to the Prussian flag, he expects from the justice of the belligerent powers, that they will not revenge those injuries on his subjects, or their ships.

“ It being an established and general rule in the rights of nations, that it is not so much the flags as the pas-

ports of a Sovereign which constitute the neutrality and safety of navigators, his Majesty thinks it necessary to declare, to prevent every possible abuse, and decrees by the present in the most precise manner, to all his subjects who navigate, and traffic by sea, that when they design their vessels and goods to any remote distance, they must in future ask for the necessary passports, not as has hitherto been done, of the magistrates of the town, or the inferior colleges, but of the Minister in the department of foreign affairs at Berlin, who will furnish them with passports in due form under the royal seal, after they shall have laid before him the customary information, an exact description of the cargo, and authentic proofs attested by the magistrates and chambers of each province, that the proprietors and freighters of the vessel and its cargo, which are all to be named, are really and truly his Majesty's subjects, and thereby qualified to receive a passport.

“ In this decree, those Prussian vessels are excepted, which remain in the Baltic, and do not go farther than the Sound, and the two Belts. These may, to avoid loss of time, apply for their passports at the usual places, and those which sailing from the ports of Ostfrise, make short voyages in the North Sea, on the coasts of Great Britain and the United Provinces, and who do not chuse to apply for passports at court, on account of the distance to it, the shortness of their time, and the small value of their cargoes, may provide themselves with the necessary passports as heretofore of the Magistrate of the city of Embden, and of the Royal Chamber of Finances established at Ostfrise, who are particularly charged to watch over the authenticity of these passports, and to prevent any abuse of them.

“ This last decree, which is now published,

published, is to serve as an explanation, and a supplement to that of the 30th of April, in the present year, so that both together will form an invariable rule to all the King's subjects who travel and traffic by sea.

(Signed) FINKENSTEIN.

E. F. HERTZBERG."

*Given at Berlin, the 3d of November,
by express order from the King.*

Regulation issued out by the Emperor, concerning the internal navigation in the Netherlands.

His Imperial, Royal, and Apostolic Majesty, desirous to favor with efficacy the trade of his provinces in the Netherlands, their internal navigation and communication with the ports of Flanders, has, with the advice of his Privy Council, and the deliberation of the most Serene Governors General of the Netherlands, declared and ordered as follows:

ART. I. All watermen belonging to such towns of the same province, where there are navigating corporations, and have direct communication by water with the ports and harbours of Flanders, shall pass free with their boats through the city of Ghent, without being compelled to unload, and without paying any toll whatever, whether they go forwards to sea, to carry their merchandizes to Bruges, or to any place beyond that town, or to take in their lading at the above town or places.

II. All watermen, his Majesty's neutral subjects, who may have taken in their lading at Louvain, where there is no navigation corporation, in order to proceed to Bruges or further, or else to load there for Louvain, shall have free passage at Ghent as above.

III. The aforesaid watermen however shall not be permitted to unload the whole, or part of their cargo between Ghent and Bruges; but if for the purpose of lightening the boat

or wherry, the said cargo should either entirely, or in part be put on board another boat, then the latter shall, without unloading, proceed also to Bruges.

IV. All the above watermen shall be at liberty to take in fresh loadings, or proceed for the same to Bruges, Offend, and Nieuport, or intermediate towns, without being liable to pay any toll or duty laid on freights, the same right to belong to the watermen of the last named towns, trading between them and the places mentioned in the first article, without excluding however such trifling and equitable retributions as are usually paid to the corporation of watermen, and to which the said watermen are liable for the inspection of lading, or from other motives, exclusive of which, his Majesty grants a free and entire reciprocation and freedom to the aforesaid corporation, merchants and others, with whom they may agree for the freight of their ships in regard to the places aforementioned, without derogating in any other matter, nor for any other objects from the rights and statutes of the corporation aforesaid.

V. The said watermen shall freely return, without being subject to any duty, through Ghent, whether they are laden or not.

VI. In order however, to prevent such liberty being made a bad use of, in regard to loadings taken up at, or bound for Louvain, all such watermen as do not belong to a town where there exists a navigating corporation, as mentioned in the first article, shall, if they go from Louvain to Bruges, produce in their way through Ghent, to the market of the watermen of that town, a certificate from the Post master or Receiver of the canal of Louvain, witnessing that such load or cargo was taken up at Louvain: but if they should be empty, and on their way through Ghent,

Ghent, declare the same to the aforesaid master, and in such case, as in the former, when coming from Louvain, he shall within six weeks from his return, send to the aforesaid master at Ghent a certificate from the Post-master, or receiver at Louvain, that such goods were really landed at the latter place, the whole under the penalty of three hundred florins.

VII. The watermen company of Bruges, Ostend and Nieuport, may exact the same formalities from those, who without belonging to any of the corporations aforesaid, shall come there to load for Louvain, who shall in such case produce the certificate in the manner and form abovementioned.

VIII. Watermen belonging to the navigating corporations, established out of Flanders, with goods taken up at Bruges, or beyond that place passing through Ghent, shall not be at liberty to land any part of their cargo in Flanders, but only transfer such part on board lighters; and these shall in such case proceed immediately with the whole of their cargo to some place out of Flanders. And *vice versa*, for those of Bruges, Ostend and Nieuport, who shall take up goods, &c. out of Flanders.

His Majesty wills and commands, that all persons whom these may concern, do strictly adhere to the present ordinance.

Given at Brussels, Dec. 7, 1781.

(Signed) DE REUL.

And sealed with his Majesty's privy seal.

A SECOND ADDRESS from the COMMITTEE of ASSOCIATION of the County of YORK, to the Electors of the Counties, Cities, and Boroughs within the Kingdom of GREAT BRITAIN. To which is added, The RESOLUTIONS of that COMMITTEE, at their Meeting held on the 17th of October, 1781.

Parliament, in its original form,

VOL. XIII.

seems to have been admirably fitted to resist the attack of corruption.— In that primitive state, a majority of the Electors of England appointed a majority of the House of Commons; and in fact, the right of election annually vested in the Body of the People a regular and complete controul over their Trustees. In an Assembly so constituted, the poison of corruption could hardly find admittance in any dangerous degree; respect to the constituent body would generally operate as a preservative against it; and on any appearance of infection, that effectual remedy which the public possessed would be instantly applied. But our easy unsuspicious ancestors unwisely suffered our Monarchs from Henry VI. down to Queen Elizabeth, to mar the ancient Constitution by a most disproportionate addition of Boroughs. By that unhappy negligence, the Nation lost in substance the just and necessary right of controul; and then, the corruption of a Parliament, no longer checked by the general voice of the People, ceased to be an impracticable attempt.

But, though the corruptibility of Parliament may be justly dated from that innovation of Royal Authority, the actual corruption of it was reserved for a more unfortunate period. The seeds of political depravity were for ages latent in the defective frame of the House of Commons; and it was possible they might still have remained there, in a state of harmless inactivity, if chance, and the ill-judged parsimony of our forefathers, had not presented to the Crown the opportunity for Parliamentary seduction. From the depreciation of money, the ancient salaries paid by the counties, &c. to their respective Members, had become too insignificant to be worth their acceptance; and from a most absurd frugality, the necessary augmentation

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mentation had been improvidently omitted. Hence arose a facility to create a corrupt dependence on the Crown, just when the danger of all attempts to controul or abolish Parliament by force had been fully proved by repeated experience.—The growing disposition in that Assembly to listen to temptation, was not long unobserved; it was seized with alacrity, and improved with assiduity; and thus the evils which the inequality of our popular representation is adapted to produce, were at last drawn forth to actual existence.

The virtue of Parliament which had resisted every effort of violence, was soon relaxed by the skilful distribution of emolument. As this lucrative intercourse grew habitual, their ancient jealousy of the Crown decreased; their responsibility to that Public from whom they derived their existence, gradually became an obsolete idea; and in its stead, more courtly maxims of duty, better suited to the new object of their devotion, were easily introduced. At last, a coalition unknown to the genuine Constitution took place; and Parliament, now disengaged from the Body of the Nation, like the Senate of Imperial Rome, meanly submitted to a dependence on that Power, whose incroachments it was originally formed to prevent and controul.

To men of political sagacity, it was not difficult to discern this change in our system of Government. By them its rise and progress were distinctly marked, and its pernicious consequences were fairly foretold. But the Public, with a generous credulity, continued to hold parliaments in that veneration which their former fidelity had so well deserved. The forms of the Constitution, they saw, were still maintained; and the parade of debate still gave to that obsequious

Assembly the air and semblance of its ancient freedom. During the earlier part of this period, the Nation was too much dazzled with the splendor of military glory, to remark the growing influence of the Crown. Afterwards when the practice of corruption was avowed by the Minister himself, the dissatisfaction of the Public was lulled into acquiescence by the flow of general wealth, and the mildness of Administration. The two first Princes of the Hanoverian Line hardly knew the extent of that authority which they had so recently obtained. Their right to the throne was not admitted without dispute; and the deposition of James, which had led to their elevation, was an instructive lesson which they could never forget. From these considerations, and from the natural goodness and moderation of those Princes, they were content to exercise their authority with caution and lenity; never exceeding the limits of the law, and manifesting on all occasions a respectful deference to the sense of the Public. Under their gracious and fortunate Administration, the mischiefs of corruption were happily palliated; and hence, rational disapprobation, and the apprehension of evil, yielded to the sense of ease and actual prosperity.

But those popular maxims of Government, were less suitable to that situation of superior power, to which their successor attained. *He was born and bred a Briton*; and He had the fortune to engage the affections of those men, who, in apparent contradiction to their high monarchical principles, had long endeavoured to depress his family; but who at last forgetting *the exiled Prince*, transferred to *Him* all the warmth of their zeal and attachment. He was aided by the accession of these natural Partizans of the Crown, and he was enriched by that augmentation of patronage, which before the concilia-
tion

tion of his new friends, had been unwarily established as a balance to their disaffection. In these circumstances, instead of the condescension and cautious policy of the preceding reigns, Ministers were encouraged to adopt, and enabled to realize more lofty ideas of Government. In their conception, it ceased to be necessary to conceal from the public eye, the full extent of the influence of the Crown, and by their instigation, an open and unscrupulous exercise of it was resolved on.

A fit opportunity for displaying the plenitude of power was quickly found. The popular principles, the zeal, the intrepidity, perhaps the indiscretion of a private Gentleman, had given displeasure, *where* it was most dangerous to displease. To gratify resentment *there*, the Commons were solicited to punish the offender; and that Assembly could stoop to oppress an already injured individual, and in violation of the first and most important principles of the Constitution, to exclude him from his lawful seat in Parliament. During the course of that famous persecution, England first beheld a spectacle, which, if the ancient proportion had been maintained in the popular representation, must have been for ever unseen; a House of Commons distrusted by the Nation, and at variance with it. Hence, by turns those petitions of the people to the Crown against the treachery of their Trustees; and to their Trustees against the great and increasing influence of the Crown. But as the Minister of the Sovereign wisely protected his auxiliary Commons from the indignation of their constituents; his faithful Allies have since returned the obligation, with all the zeal of gratitude. The studied contempt with which those complaints were treated from the Throne, has been fully repaid in the Senate, by a more insulting neglect of those

Petitions, which were acknowledged to be just. The proofs of the absolute ascendant of the Crown, have thus been rendered complete and indisputable; the dream of the Independence of Parliament, so long and so fondly believed, is now a detected illusion; and in consequence of that discovery, discontents have arisen in the Nation, which can only be suppressed by the utter extinction of Liberty, OR SATISFIED BY SOME SUBSTANTIAL REFORMATION OF PARLIAMENT.

It would be injurious from the present inactivity of many of our countrymen, to suppose they are not attached to the cause of Liberty, with the same generous ardour which distinguished their ancestors. The mass of the people is yet untainted by corruption; it is still animated with equal zeal, and enlightened, perhaps, with a superior knowledge of the true nature and end of Government. Their integrity and their attachment to the Constitution may be relied on, with equal confidence. But the novelty of their present situation, the difficulties and disadvantages of their controversy with the Crown, the repeated rejection of a National Petition by their own Representatives, may well produce a pause of astonishment. In this anxious interval of suspense and gradual recollection, it behoves the Agents of the People thoroughly to explore the ground before them; to enquire from what causes their first effort has been defeated; and to consider by what means the obstacles to their success may be best removed, or most happily surmounted.

In this early stage of the contest, the People seemed to have been foiled, not so much by the strength of their opponents, as from their own inexperience and disunion. The alliance between the Crown and a dependent Parliament, however unnatural it may appear on the principles

ples of the Constitution, is yet too strongly cemented by mutual benefits to be dissolved by vague and desultory efforts; by Petitions eagerly adopted by the Nation, but irresolutely supported, and at last abandoned with pusillanimity, on a second or a third repulse. With the People, there is an undoubted superiority of numbers; but in many districts, the popular Assemblies, partly from improvidence, partly from a candid expectation of redress by Parliament, neglected to make those necessary arrangements, without which, they could neither co-operate with other petitioning Bodies, nor give a continued support to their Petitions: and thus acting without steadiness, without concert, and uniformity of plan, they have been baffled by the art and activity, the union and regularity of discipline of the Mercenaries of the Crown.

It is by the weight of a General Association, in support of some rational and specific proposal of redress, the Body of the People must regain their lost influence over their Trustees. That measure alone can collect and consolidate their force, and give permanence and systematical Union to their opposition. Experience has already shown upon a more limited scale, that Association is a *practicable measure*; and that it is a measure of *unquestionable legality* appears from the spirit of our laws; from the express right to present Petitions to Parliament, which involves the right to join in any peaceful mode for the more effectual support of those Petitions; and from the acquiescence and tacit confession of the adverse party themselves. The application of this inherent power of the People may have been suspended hitherto, by the real or supposed fidelity of Parliament. But when can Associations for obtaining a just attention to the complaints of the Nation be necessary, if not,

when Parliament itself admits that, alarming abuses do actually exist, and yet refuses to correct them? When that Assembly, in a moment of repentance, confesses the overruling influence of the Crown, and seems to invite the People, by a strenuous exertion of their Constitutional Powers, to remove those shackles from which it wants the virtue to disengage itself.

Under such a perversion of the end for which Parliament was instituted, it would be slavish timidity to acquiesce and submit. On the other hand, to meditate schemes of violence and forcible resistance, would be fool-hardy rashness and impetuosity: it would even be unpardonable folly not to discourage seriously such ill-advised attempts. But they who are friends to Peace and to the Liberty of their Country, may safely steer a middle course between those fatal extremes. By the timely adoption of a legal and constitutional Association, the Nation may be preserved from the hazards and calamities of Civil War, and from the more lasting and intolerable miseries of Arbitrary Government.

To persons of a mild and cautious character of virtue, the propriety of this mode of opposition, may, perhaps, appear in some degree questionable. They see, not without concern for the Constitution, its strong and apparent tendency to destruction: but they distrust that eagerness of zeal, and that more hardy disposition to serve the Public, which prompt men of warmer, but perhaps less amiable dispositions, to stand forth in the hour of danger. By the adherents of corruption these suspicions are cherished by every artifice of misrepresentation; and if the end proposed by the People be just and necessary, if the means hitherto employed be unexceptionably lawful, future designs are but too successfully imputed to them, which every

every wise and honest man must disapprove. Hence the long neutrality of many liberal and worthy men! Sunk in a state of inefficient repose, they slumber in the midst of perils; and under the specious name of Moderation, cover even from themselves their languor and inactivity. On this large and important class of men, the Rectitude of Opposition to a corrupt System of Government, may fail for a time to make a sufficient impression; but at last dire necessity, and the approach of unavoidable distress, must awake them from their dream of security.

At that moment, when the alarm of danger rouses even the indolent; when men of a mild and unenterprising temper are ready to associate in the common defence, then it is devoutly to be hoped, THE FRIENDS OF THEIR COUNTRY will have adjusted their disputes; and having settled their plan of public Reformation with prudence, will be prepared to support it with unanimity. Then it will behave the Opponents of the undue influence of the Crown to unite their legal exertions, and to pour on, in one unbroken current, against the corruptions of our Government: for that moment will be decisive of our fate. If the Collective Body be then misled or divided in the pursuit of separate or improper objects, their pacific efforts must be wasted once more in unconnected and unavailing struggles. And in that case, it is easy to foresee, that no future attempts to restore the Constitution by legal means, can have any rational hope or prospect of success.

Among the active Opponents of the undue influence of the Crown, the Advocates for the Economical Reformation *alone*, compose a numerous, and in rank and figure, the most distinguished class. To recommend *their palliative plan*, they display the mischiefs of innovation, and

treat propositions for the melioration of Parliament as specious, but as impracticable projects. In their conception, the improvement of the popular representation by any of those alterations which other Reformers have proposed, is a speculative advantage almost impossible to be attained; and a shorter duration of Parliament is not only undesirable, but positively evil. Instead of attempting to correct the internal disposition of Parliament to admit temptation, they would content themselves with reducing that ostensible fund of corruption, which is externally applied with such fatal success. This, they contend, was the object of Reformation which lately formed the true centre of union of the English People; in pursuit of which, exhortations to unanimity would have been altogether superfluous and unnecessary. And they observe, not without a mixture of severity, that if the Nation had not been misled by wild and visionary schemes, their discontents would have been soon appeased by the satisfactory redress of those grievances which had been the subject of their unanimous complaint.

It must be confessed, the ground on which the People *commenced* their opposition, was chosen with propriety. They felt the hardships of an expensive war; they saw glaring abuses in the management of the public purse; the request for the correction of those abuses was founded on principles which the Friend to Liberty must approve, and which even the Advocate for War could not contradict. But if that patronage which forms the visible influence of the Crown had been abridged in the most indefensible instances, *without a radical Reformation of Parliament*, the practice of Corruption would have been carried on to as great an extent as ever, only perhaps in a more dangerous and degrading

grading mode. The means of seduction are in the hands of Ministers, to be applied at their discretion ; and self-preservation would have taught them the proper application of those means. Who can suppose, *loans of money* would not have been contracted on terms still more grossly disadvantageous to the nation ; and the loss of sinecure places and unmerited pensions would not have been compensated by shares of *beneficial subscriptions*, in an adequate proportion ? or, if the Minister had chosen to vary his mode of gratification, what could have hindered the immediate increase of the *Secret-Service-Money* ? or the augmentation of the *Royal Debts*, incurred to any amount which might be necessary, and sure to be discharged, without examination, by a grateful Parliament ?

When a Senate, chiefly nominated by venal or dependent Electors, has received the taint of corruption, it wants that corrective principle which might throw off the infection, and restore its original purity—the controul of honest and uninfluenced constituents. In such an Assembly, acceptance frequently repeated wears off the sensations of shame and remorse ; the guilty habit of receiving gradually creates a demand that must be satisfied ; and thus CORRUPTION becomes at last the avowed principle of Government. In this stage of political depravity, a Parliament accustomed to prostitution may be induced to embrace the most pernicious measures of a bad, but prodigal Administration, with as much warmth, as it would reject the best and wisest plans of that honest Statesman who should scorn the support of pecuniary influence. This is the consummation of a corrupt system of Government, which evidently contains the seeds of dissolution. Ruin is its natural tendency, and must be its certain consequence, unless by an amended representation

in Parliament, the due controul of the Constitution be restored to the Body of the People.

Events had almost verified the truth of this speculation, when the increasing influence of the Crown alarmed the fears and excited the opposition of the Country. At that moment, *without previous concert or communication*, a PLAN for the better Security of the Independence of Parliament, &c. was announced in the House of Commons. The views of that Bill were nearly coincident with those by which the People meant to regulate their proposed Petition ; and it is acknowledged with due respect to its celebrated Author, that it was happily calculated to facilitate the wishes *then* expressed by the Public. It hardly could be expected that a Senator yet uncertain of the popular support, however distinguished by zeal and abilities, should offer a more extensive plan of redress. But when the People, distrusting their Representatives, sought protection, against the over-bearing influence of the Crown, in legal Association and in the Reformation of Parliament, it was then as little to be expected, that the popular Agents should stop short, and recommend, as the Object of Union, that Economical System which is certainly inadequate to the efforts and expectations of the Collective Body. That conduct would have been a contradiction to the *first intimation* of their purpose, and to all their subsequent proceedings ; it would have been treachery to themselves, and to those by whom they were appointed to act ; and it would have forfeited their claim to any share of the Public Confidence, as disinterested and independent men. Misrepresentation, in language alike injurious to the Leaders of Opposition, and to the popular Agents, would have irrecoverably blasted the Public Cause, as a device cunningly

cunningly contrived by disappointed Statesmen, and their factious Adherents. And thus, in pursuit of unanimity on *that ground*, distrust and jealousy would have been still more widely spread, and the Associations of the People, instead of being more closely cemented, would have been divided and broken up by an irreparable breach.

Men conversant in the business of Parliament may have regretted that a more cautious policy did not restrain the zeal of the Associations to the correction of *official abuses*; and the Associations in their turn may have lamented that more vigorous counsels did not determine their Parliamentary friends to adopt those *primary objects* of the popular plan, which alone can give efficacy or stability to the Economical Reformation. These are the unavoidable differences, not the faults, of Public Men, acting with integrity, but *without mutual intelligence* in circumstances which are in a great measure new to the most extensive observation. But since late experience has still more clearly proved the utter degeneracy of Parliament, and consequently the distrust of the People has been increased and confirmed, a more effectual Reformation may now appear evidently necessary even to the former friends of palliative measures. And since a divided opposition to the Crown cannot accomplish a due reduction of its alarming power; and no considerable Body of the People can ever be induced to unite in a steady defence of the common liberties, *but on the ground of Parliamentary Reformation*, it surely may be hoped, from the virtue and public spirit of those honoured persons, that their Coalition with the People *on that ground* is not a distant event.

It is not surprising that even among the declared friends to a Reformation of Parliament, a con-

siderable variation of sentiment should be found, and different systems of constitutional improvement should appear to different minds to deserve the preference; for on this, or on any subject, who can expect an exact coincidence of judgment in such a multitude of Independent Men?

That the representation of the People is extremely inadequate; that the septennial duration of Parliament is a dangerous and unwarrantable Innovation; that Corruption cannot be restrained; that our Liberties cannot be secured but by the correction of those gross abuses; these are propositions in which there is a most unanimous agreement. But whether the People should attempt to restore annual Parliaments; to extend the right of suffrage universally; and to establish a perfect equality of representation; or, whether it does not behove them rather to confine their efforts to the accomplishment of a more limited plan; to shorten the duration of Parliaments to a term not exceeding three years, and to reinforce the sound part of our representation by the addition of One Hundred Members to the Counties and the Metropolis: These are questions which for some time were the subject of frequent discussion and much anxious deliberation; but not more than their importance to the Public well deserved.

On behalf of the more extensive plan, much was urged on the true principles of Government with indefatigable zeal; and the considerations which could be drawn from the natural rights of Men and the ancient privileges of Englishmen were presented in every form of argument, with equal industry and ability. It is indisputably true, that *annual elections* of Parliament were from the earliest times the practice of our forefathers: And frequency of election in a state of representation

presentation *not essentially defective*, would tend strongly to maintain a due connection between the Constituent Body and their Trustees; it would diffuse a more general knowledge of the importance of that right; and the attachment to our happy Constitution would be more sincere and general, as its privileges were more extended and better understood. That mankind are naturally equal, is also a proposition which **cannot be denied**; and although wherever Society is established, the introduction of inequality in some respects, is unavoidable, yet every humane and equitable mind must disapprove invidious exclusions, by which that inequality is unnecessarily increased. The right of suffrage, though not universally, was more extensively enjoyed by our ancestors before the reign of Henry VI. than in the succeeding period: And if the manners and prejudices of the present age could admit *the restoration of that privilege* in its fullest extent, with an *annual choice of representatives*, the Advocates for the more moderate plan would rejoice at the change.

The diversity of sentiment, therefore, which has in some measure retarded the union of the people, arose, not from a difference of political principles; for in them there is an entire agreement, but solely from considerations of a prudential nature. The questions in debate have been, not, whether those doctrines be maintainable in argument, for it is admitted they are; but whether it be probable in the present state of the nation, that those doctrines in their full extent, are reducible to practice?—And if it be highly improbable, that a Reformation on that extensive plan could be carried into execution, whether it be not expedient that the People waive somewhat of their justifiable claims, and content themselves with

that mode of Redress which is *less complete in theory*, but which appears *more easily attainable* by peaceful means, and when attained, *fully adequate* to the purpose of their opposition?

On the one hand it was observed, that an Army, as dangerous to the Constitution by the weight of influence as by its military prowess, is now become an established augmentation of the Royal Power; that an immense National Debt, with its concomitant train of taxes, contracts, subscriptions, creates another abundant source of influence unknown to our ancestors; that a large accession of Patronage has accrued to the Crown from the East-Indian Territories, and the other numerous Settlements of the British Empire; that Parliament itself, seduced by those multiplied attractions, has become but too visibly dependent on the Crown; that if this great aggregate of Power should receive any material augmentation, it would be impossible by any union which could be formed, to recover the balance of the Constitution; and consequently, although this ought not to intimidate but rather to excite the People instantly to concert the lawful means of that recovery, yet since the power to be opposed is truly formidable, and a defeat would be fatal to all succeeding generations, that it behoves them to proceed with caution equal to that fortitude. It was farther observed, that while the adherents of corruption would alike brand with the odious name of *innovations*, the improvements held out by each of the popular plans, however authorised they may be by former example, or justified by reason and the necessity of reformation, *the more extensive system* proposing an abolition of all our present election-franchises, and a distribution of those franchises anew in a different proportion, would probably appear injurious

jurious also to a multitude of Electors, who yet would zealously support *the more moderate plan* for restoring the Constitution; that this total departure from the present establishment of the Lower House of Parliament, even where private interest was not materially affected, would alienate many by the magnitude of the operation, and more perhaps by its contrariety to the manners of the age; that it would offend the pride of the wealthy; excite the fears of the moderate, and shock the prejudices of men unaccustomed to political speculation; and consequently that to contend with the Crown on this disadvantageous ground, would be to expose the Liberties of the Nation to almost certain ruin, by struggling to communicate the election-franchise to persons who too seldom know the value of it, or express a wish to obtain it.

On the other hand, it was considered, that although *the more moderate plan* would enlarge the House of Commons, yet it would leave the present fabrick untouched; would preserve the franchises of the whole mass of Electors undiminished; and in every respect would be less remote from the habits and practice of the age; that by the addition of at least One Hundred Members to the representation of the Counties and the Metropolis, their inferiority to the Boroughs would be in a great measure redressed, and the advantage of those Electors who constitute the bulk of the Nation would be promoted without injury, and with little sensible inconvenience to any other class of Constituents; that although annual Parliaments certainly were not excluded by the more limited proposal, yet in fact its immediate aim was the repeal of the Septennial Bill; which being confessedly a temporary expedient, utterly repugnant to the spirit of the

Constitution, however excusable from the necessity of those times, would probably be now obtained with less difficulty than annual Parliaments; and might properly be considered as the best preparatory measure to their acquisition; and consequently that in all these respects the preference, in the view of feasibility, was evidently due to the more limited plan.

In regard of efficacy *the more extensive scheme* might indeed claim the priority of the choice, if under the present circumstances of the Nation the establishment of it could be accomplished. But what is the superior efficacy of an impracticable system? The praise and perhaps the wish of the rational Patriot, but not the end of his political labours; for they will ever be directed to that best and most beneficial plan, which in given circumstances can be attained. It is the just complaint of the Nation, that a corrupt majority of Burgesses may be gained to support the most pernicious measures against the sense of the incorrupt part of the Legislature, and the wishes of the Public; with this aggravation of the evil, that the possibility of relief by popular interference is protracted by a septennial duration of Parliament. To *these fundamental abuses* the repeal of the Septennial Bill, and the addition of One Hundred Members to the Counties, &c. as a balance to the Boroughs, would be a *substantial correction*. Under this amended representation, purged from every visible taint of undue influence, and subject to the more frequent controul of the Nation by elections at an interval never exceeding three years, the whole System of Corruption would be overturned, and the Constitution would acquire a degree of permanent security which it never attained in any preceding period.

By considerations like these, the People were induced to frame their Associations on this more limited ground

ground; and, as it then seemed reasonable to conclude, so recent experience has now most manifestly proved, that their plan was not too narrow for the views and expectations of their Countrymen. With some exceptions of no great moment, these principles have been adopted or approved by every Associated Body, and confirmed by a General Deputation from the respective Committees. These principles have also received the declared approbation of Senators in each House, whose Wisdom, Integrity, and Public Spirit, are at once the honour and reproach of those Assemblies.

A Bill on the *more enlarged plan* was indeed offered to the Lords by a Nobleman of the first rank and reputation*; and the motion was recorded on their journal as a solemn recognition of those principles.—But no Association has been formed on that ground, because in the popular apprehension even that weighty recommendation could not compensate the great and perhaps insurmountable difficulties of the measure. But when the People had thus decisively given their preference to the *more limited plan*, their Noble Advocate, far from pressing them with the pertinacity of disputation to reconsider and accept his favoured system, generously laboured in concert with an illustrious Friend† to accomplish a general Coalition on the ground of their Association.—This was the wisdom of judicious Statesmen—this was the magnanimity of true Patriots. Their virtuous, though hitherto unavailing efforts will be remembered with lasting gratitude and veneration; and in their zealous assistance on every future emergency, the trust and confidence of the Nation will be reposed.

The Committee of Association for the County of York have once more presumed thus freely to communicate to their Fellow Electors their sentiments on *the decline of the Constitution and the means of its Restoration*. From this survey of the various plans of Reformation which have been offered to the People, their choice seems wisely to have been fixed on that system in which *efficacy* and *practicability* are most advantageously combined; and in the judgment of this Committee, if that SUBSTANTIAL REDRESS cannot be obtained, the formalities of an Upper and a Lower Assembly may still be continued, but the Liberty of Britain must soon be no more. When the Nation has lost the ordinary controul of the Constitution over the Representative Body; when notwithstanding their repeated complaints, alarming abuses are protected and increased, and measures destructive to the common weal are supported and pushed on by that Assembly, the necessity for *some popular interference in a less ordinary way*, becomes apparent and incontestible. To rectify a disordered Legislature must indeed be a work of the greatest toil and difficulty; but there is yet in the Independent Part of the Community a fund of vigour adequate to the task; and the ancient spirit of the Constitution still affords unexhausted resources to the People, for a lawful, orderly and effectual interposition. Peaceful Association is the lawful mode adopted by this Committee, in concert with many of their countrymen; and by a steady prosecution of the *more moderate plan for the Reformation of Parliament in this mode*, they still trust the Constituent Body may regain its ascendant over the Representative Assembly. Far, therefore, from wishing

* His Grace the Duke of Richmond.

† The Right Honourable the Earl of Shelburne.

wilhing to promote confusion, or to prompt their fellow-citizens to deeds of violence and desperation; they exhort them with conscientious sincerity to confine their efforts within the bounds of legality. But within those limits they exhort them with equal earnestness, resolutely to oppose that System of Corruption which is alike the bane of National Morality, and the ruin of Public Liberty.

With these views the Committee of Yorkshire first embarked in this cause; in strict conformity with them they have hitherto proceeded, and are determined to regulate their whole political deportment. *They have been menaced by High Authority;*

they have been defamed by Reverend Calumny; but conscious of the purity of their intentions, certain of the legality of their conduct, they cheerfully commit their reputation to the justice of their countrymen, AND THEIR PERSONAL SAFETY TO THE PROTECTION OF THOSE LAWS WHICH CANNOT BE INFRINGED, WITHOUT A DIRECT ASSUMPTION OF DESPOTIC POWER.

The Resolutions of the Committee of Association for the County of York, at their Meeting held on the 17th day of Oct. 1781.

York Tavern, Oct. 17, 1781.

P R E S E N T,

At a Meeting of the Committee of Association,

Rev Mr. Wyvill, Chairman	Mr. Walker	Mr. Matthéws
The Earl of Effingham	Mr. Walker, jun.	Mr. Athorpe
The Dean of York	Mr. Pool	Rev. Mr. Wilkinfon
Mr. Chaloner	Mr. Dring	Mr. Turner
Rev. Mr. Mafon	Mr. Croft, jun.	Rev. Mr. Comber
Sir George Strickland	Rev. Mr. Dade	Mr. Stovin
Mr. Morritt	Mr. Foljambe	Rev. Mr. Lawson
Mr. H. Duncombe	Rev. Mr. Bourne	Mr. Hill
General Hale	Mr. P. Milnes	Sir William Milner
Sir R. D. Hildyard	Rev. Mr. Cayley	Mr. Lloyd
Sir James Norcliffe	Mr. Yorke	Mr. Dawson
Mr. Strickland, of Welburn	Mr. Dixon	Mr. Duncombe
Mr. Strickland, of Beverley	Mr. St. Quintin	Mr. Hayes
Mr. Tooker	Dr. Swainston	Mr. Courtney
Mr. Grimston	Mr. F. Smyth	Mr. Arthington
Mr. Shore	Mr. James Milnes, jun.	Mr. Maude
Mr. Sykes	Mr. R. S. Milnes	Mr. Dalton
Mr. Withers	Lieut. Col. Thornton	Mr. Croft
Mr. Cradock	Rev. Mr. Dixon	Rev. Mr. Shuttleworth
Rev. Mr. Robinson	Rev. Mr. Yarker	(elected this day)
	Mr. Baynes, jun.	
	Mr. Booth	
	Mr. Rawfon	

Resolved, That the following Members be added to this Committee :

William Bagshaw, Esq. of Coates Hall
 Rev. Richard Shuttleworth, of Kirkleatham
 Jonathan Walker, Esq. of Mafbrough
 William Warner, Esq. of Foston
 Henry Legard, Esq. of Beverley.

D d 2

Whereas

Whereas it has been represented to this Committee, that the conduct of the Clergy who are Members of this Association, hath been censured from High Authority; and that they have been given to understand that their LATE EFFORTS in support of the Liberty and Constitution of this country were *foreign to the function of a Clergyman, and not the road to preferment.*

Resolved, That a Protestant by entering into Holy Orders does not abandon his civil rights.

Resolved, That the Thanks of this Committee be given to those Reverend Gentlemen who, thus preferring the public good to their own private emoluments, have stood forth the firm friends to the true interests of their country.

Read the paper intitled, "A Second Address from the Committee of Association for the County of York, to the Electors of the Counties, Cities, and Boroughs, within the Kingdom of Great Britain."

Resolved, That the Address now read be adopted as the act of this Assembly, and that the Chairman be requested to publish the same in the manner he shall judge most proper.

Resolved, That this Committee do adjourn to the Thursday in Easter week next, subject to an earlier call by the Sub-Committee, or of the Chairman, at the request of any five members.

C. WYVILL, Chairman.

RESULT of the CONVENTION of DELEGATES holden at IPSWICH, in the County of Essex, who were deputed to take into consideration the CONSTITUTION and FORM of GOVERNMENT, proposed by the CONVENTION of the STATE of MASSACHUSETTS-BAY*.

In Convention of Delegates from the several towns of Lynn, Salem, Danvers, Wenham, Manchester, Gloucester, Ipswich, Newbury-Port, Salisbury, Methuen, Boxford, and Topsfield, holden by adjournment at Ipswich, on the twenty-ninth day of April, one thousand seven hundred and seventy-eight.

PETER COFFIN, Esq. in the Chair.

The Constitution and form of Government framed by the Convention of this State, was read paragraph by paragraph, and after debate; the following votes were passed.

1st. That the present situation of

this State renders it best, that the framing of a Constitution therefore, should be postponed till the public affairs are in a more peaceable and settled condition.

2nd. That a bill of rights, clearly ascertaining and defining the rights of conscience, and that security of person and property, which every member in the State hath a right to expect from the supreme power thereof, ought to be settled and established, previous to the ratification of any constitution for the State.

3d. That the executive power in any State, ought not to have any share or voice in the legislative power in framing the laws, and therefore, that the second article of the Constitution is liable to exception.

4th. That any man who is chosen Governor, ought to be properly qualified in point of property—that the qualification therefore, mentioned in the third article of the Constitution,

* For an authentic copy of the Constitution of the Massachusetts-Bay, see the Remembrancer for 1780, part 2d, page 202.

tution, is not sufficient—nor is the same qualification directed to be ascertained on fixed principles, as it ought to be, on account of the fluctuation of the nominal value of money, and of property.

5th. That in every free Republican Government, where the legislative power is rested in an house or houses of representatives, all the members of the State ought to be equally represented.

6th. That the mode of representation proposed in the sixth article of the constitution, is not so equal a representation as can reasonably be devised.

7th. That therefore the mode of representation in said sixth article is exceptionable.

8th. That the representation proposed in said article is also exceptionable, as it will produce an unwieldy assembly.

9th. That the mode of election of Senators pointed out in the Constitution is exceptionable.

10th. That the rights of conscience, and the security of person and property each member of the State is entitled to, are not ascertained and defined in the Constitution, with a precision sufficient to limit the legislative power—and therefore, that the thirteenth article of the constitution is exceptionable.

11th. That the fifteenth article is exceptionable, because the numbers that constitute a quorum in the House of Representatives and Senate, are too small.

12th. That the seventeenth article of the Constitution is exceptionable, because the supreme executive officer is not vested with proper authority—and because an independence between the executive and legislative body is not preserved.

13th. That the nineteenth article is exceptionable, because a due independence is not kept up between the supreme legislative, judicial, and

executive powers, nor between any two of them.

14th. That the twentieth article is exceptionable, because the supreme executive officer hath a voice, and must be present in that Court, which alone hath authority to try impeachments.

15th. That the twenty-second article is exceptionable, because the supreme execution power is not preserved distinct from, and independent of, the supreme legislative power.

16th. That the twenty-third article is exceptionable, because the power of granting pardons is not solely vested in the supreme executive power of the State.

17th. That the twenty-eighth article is exceptionable, because the delegates for the Continental Congress may be elected by the House of Representatives, when all the Senators may vote against the election of those who are delegated.

18th. That the thirty-fourth article is exceptionable, because the rights of conscience are not therein clearly defined and ascertained; and further, because the free exercise and enjoyment of religious worship is there said to be *allowed* to all the Protestants in the State, when in fact, that free exercise and enjoyment is the natural and uncontrollable right of every member of the State.

A committee was then appointed to attempt the ascertaining of the true principles of government, applicable to the territory of the Massachusetts-Bay; to state the non-conformity of the constitution proposed by the Convention of this State to those principles, and to delineate the general outlines of a constitution conformable thereto; and to report the same to this Body.

This Convention was then adjourned to the twelfth day of May next, to be holden at Ipswich.

The Convention met pursuant to adjournment,

jourment, and their committee presented the following report :

The committee appointed by this Convention at their last adjournment, have proceeded upon the service assigned them. With diffidence have they undertaken the several parts of their duty, and the manner in which they have executed them, they submit to the candour of this Body. When they considered of what vast consequence, the forming of a Constitution is to the members of this State, the length of time that is necessary to canvass and digest any proposed plan of government, before the establishment of it, and the consummate coolness, and solemn deliberation which should attend, not only those gentlemen who have reposed in them the important trust of delineating the several lines in which the various powers of government are to move, but also all those, who are to form an opinion of the execution of that trust, your committee must be excused when they express a surprise and regret, that so short a time is allowed the freemen inhabiting the territory of the Massachusetts-Bay, to revise and comprehend the form of government proposed to them by the convention of this State, to compare it with those principles on which every free government ought to be founded, and to ascertain its conformity or non-conformity thereto. All this is necessary to be done, before a true opinion of its merit or demerit can be formed. This opinion is to be certified within a time which, in our apprehension, is much too short for this purpose, and to be certified by a people, who, during that time, have had and will have their minds perplexed and oppressed with a variety of public cares. The committee also beg leave to observe, that the constitution proposed for public approbation, was formed by gentlemen, who, at the same time, had a

large share in conducting an important war, and who were employed in carrying into execution almost all the various powers of government.

The committee however proceeded in attempting the task assigned them, and the success of that attempt is now reported.

The reason and understanding of mankind, as well as the experience of all ages, confirm the truth of this proposition, that the benefits resulting to individuals from a free government, conduce much more to their happiness, than the retaining of all their natural rights in a state of nature. These benefits are greater or less, as the form of government, and the mode of exercising the supreme power of the State, are more or less conformable to those principles of equal impartial liberty, which is the property of all men from their birth as the gift of their Creator, compared with the manners and genius of the people, their occupations, customs, modes of thinking, situation, extent of country, and numbers. If the constitution and form of government are wholly repugnant to those principles, wretched are the subjects of that State. They have surrendered a portion of their natural rights, the enjoyment of which was in some degree a blessing, and the consequence is, they find themselves stripped of the remainder. As an anodyne to compose the spirits of these slaves, and to lull them into a passively obedient state, they are told, that tyranny is preferable to no government at all; a proposition which is to be doubted, unless considered under some limitation. Surely a state of nature is more excellent than that, in which men are meanly submissive to the haughty will of an imperious tyrant; whose savage passions are not bounded by the laws of reason, religion, honour, or a regard to his subjects, and

and the point to which all his movements center, is the gratification of a brutal appetite. As in a state of nature much happiness cannot be enjoyed by individuals, so it has been conformable to the inclinations of almost all men, to enter into a political society so constituted, as to remove the inconveniencies they were obliged to submit to in their former state, and at the same time, to retain all those natural rights, the enjoyment of which would be consistent with the nature of a free government, and the necessary subordination to the supreme power of the state.

To determine what form of government, in any given case, will produce the greatest possible happiness to the subject, is an arduous task, next not to be compassed perhaps by any human powers. Some of the greatest geniuses and most learned philosophers of all ages, impelled by their solicitude to promote the happiness of mankind, have nobly dared to attempt it; and their labours have crowned them with immortality. A Solon, a Lycurgus of Greece, a Numa of Rome, are remembered with honour, when the wide extended empires of succeeding tyrants, are hardly important enough to be faintly sketched out on the map, while their superb thrones have long since been crumbled into dust. The man who alone undertakes to form a constitution, ought to be an unimpassioned being; one enlightened mind; biassed neither by the lust of power, the allurements of pleasure, nor the glitter of wealth; perfectly acquainted with all the alienable and unalienable rights of mankind; possessed of this grand truth, that all men are born equally free, and that no man ought to surrender any part of his natural rights, without receiving the greatest possible equivalent; and influenced by the impartial principles of rectitude and justice, without partiality for, or prejudice

against the interest or professions of any individuals or class of men. He ought also to be master of the histories of all the empires and states which are now existing, and all those which have figured in antiquity, and thereby able to collect and blend their respective excellencies, and avoid those defects which experience hath pointed out. Rousseau, a learned foreigner, a citizen of Geneva, sensible of the importance and difficulty of the subject, thought it impossible for any body of people, to form a free and equal constitution for themselves, in which, every individual should have equal justice done him, and be permitted to enjoy a share of power in the state, equal to what should be enjoyed by any other. Each individual, said he, will struggle, not only to retain all his own natural rights, but to acquire a controul over those of others. Fraud, circumvention, and an union of interest of some classes of people, combined with an inattention to the rights of posterity, will prevail over the principles of equity, justice, and good policy. The Genevans, perhaps the most virtuous republicans now existing, thought like Rousseau. They called the celebrated Calvin to their assistance.—He came, and, by their gratitude, have they enbalméd his memory.

The freemen inhabiting the territory of the Massachusetts-Bay are now forming a political society for themselves. Perhaps their situation is more favourable in some respects, for erecting a free government, than any other people were ever favoured with. That attachment to old forms, which usually embarrasses, has not place amongst them. They have the history and experience of all States before them. Mankind have been toiling through ages for their information; and the philosophers and learned men of antiquity have trimmed their midnight lamps,

to transmit to them instruction.— We live also in an age, when the principles of political liberty, and the foundation of governments, have been freely canvassed, and fairly settled. Yet some difficulties we have to encounter. Not content with removing our attachment to the old government, perhaps we have contracted a prejudice against some part of it without foundation. The idea of liberty has been held up in so dazzling colours, that some of us may not be willing to submit to that subordination necessary in the freest States. Perhaps we may say farther, that we do not consider ourselves united as brothers, with an united interest, but have fancied a clashing of interests amongst the various classes of men, and have acquired a thirst of power, and a wish of domination, over some of the community. We are contending for freedom—Let us all be equally free—It is possible, and it is just.—Our interests when candidly considered are one. Let us have a constitution founded, not upon party or prejudice—not one for to-day or to-morrow—but for posterity. Let *esse perpetua* be its motto. If it is founded in good policy, it will be founded in justice and honesty. Let all ambitious and interested views be discarded, and let regard be had only to the good of the whole, in which the situation and rights of posterity must be considered; and let equal justice be done to all the members of the community; and we thereby imitate our common father, who at our births, dispensed his favours, not only with a liberal, but with an equal hand.

Was it asked, what is the best form of government for the people of Massachusetts-Bay? we confess it would be a question of infinite importance: and the man who could truly answer it, would merit a statue of gold to his memory, and his

fame would be recorded in the annals of late posterity, with unrivalled lustre. The question however must be answered, and let it have the best answer we can possibly give it. Was a man to mention a despotic government, his life would be a just forfeit to the resentments of an affronted people. Was he to hint monarchy, he would deservedly be hissed off the stage, and consigned to infamy. A republican form is the only one consonant to the feelings of the generous and brave Americans. Let us now attend to those principles upon which all republican governments, who boast any degree of political liberty, are founded, and which must enter into the spirit of a free republican constitution. For all republics are not FREE.

All men are born equally free: the rights they possess at their births are equal, and of the same kind.—Some of those rights are alienable, and may be parted with for an equivalent. Others are unalienable and inherent, and of that importance, that no equivalent can be received in exchange. Sometimes we shall mention the surrendering of a power to controul our natural rights, which perhaps is speaking with more precision, than when we use the expression of parting with natural rights—but the same thing is intended.—Those rights which are unalienable, and of that importance, are called the rights of conscience. We have duties, for the discharge of which we are accountable to our Creator and benefactor, which no human power can cancel. What those duties are, is determinable by right reason, which may be, and is called, a well informed conscience. What this conscience dictates as our duty, is so; and that power which assumes a controul over it, is an usurper; for no consent can be pleaded to justify the controul, as any consent in this case is void. The alienation of

of some rights, in themselves alienable, may be also void, if the bargain is of that nature that no equivalent can be received. Thus, if a man surrender all his alienable rights, without reserving a controul over the supreme power, or a right to resume in certain cases, the surrender is void, for he becomes a slave; and a slave can receive no equivalent.—Common equity would set aside this bargain.

When men form themselves into society, and erect a body politic or State, they are to be considered as one moral whole, which is in possession of the supreme power of the State. This supreme power is composed of the powers of each individual collected together, and voluntarily parted with by him. No individual, in this case, parts with his unalienable rights, the supreme power therefore cannot controul them. Each individual also surrenders the power of controuling his natural alienable rights, ONLY WHEN THE GOOD OF THE WHOLE REQUIRES it. The supreme power therefore can do nothing but what is for the good of the whole; and when it goes beyond this line, it is a power usurped. If the individual receives an equivalent for the right of controul he has parted with, the surrender of that right is valid; if he receives no equivalent, the surrender is void, and the supreme power as it respects him is an usurper. If the supreme power is so directed and executed that he does not enjoy political liberty, it is an illegal power, and he is not bound to obey. Political liberty is by some defined, a liberty of doing whatever is not prohibited by law. The definition is erroneous. A tyrant may govern by laws. The republics of Venice and Holland govern by laws, yet those republics have degenerated into insupportable tyrannies. Let it be thus defined; political liberty is

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the right every man in the state has, to do whatever is not prohibited by laws, TO WHICH HE HAS GIVEN HIS CONSENT. This definition is in unison with the feelings of a free people. But to return—If a fundamental principle on which each individual enters into society is, that he shall be bound by no laws but those to which he has consented, he cannot be considered as consenting to any law enacted by a minority: for he parts with the power of controuling his natural rights, only when the good of the whole requires it; and of this there can be but one absolute judge in the State. If the minority can assume the right of judging, there may then be two judges; for however large the minority may be, there must be another body still larger, who have the same claim, if not a better, to the right of absolute determination. If therefore the supreme power should be so modelled and exerted, that a law may be enacted by a minority, the enforcing of that law upon an individual who is opposed to it, is an act of tyranny. Further, as every individual, in entering into the society, parted with a power of controuling his natural rights equal to that parted with by any other, or in other words, as all the members of the society contributed an equal portion of their natural rights, towards the forming of the supreme power, so every member ought to receive equal benefit from, have equal influence in forming, and retain an equal controul over, the supreme power.

It has been observed, that each individual parts with the power of controuling his natural alienable rights, only when the good of the whole requires it, he therefore has remaining, after entering into political society, all his unalienable natural rights, and a part also of his alienable natural rights, provided the

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good of the whole does not require the sacrifice of them. Over the class of unalienable rights the supreme power hath no controul, and they ought to be clearly defined and ascertained in a BILL OF RIGHTS, previous to the ratification of any constitution. The bill of rights should also contain the equivalent every man receives, as a consideration for the rights he has surrendered. This equivalent consists principally in the security of his person and property, and is also unassailable by the supreme power; for if the equivalent is taken back, those natural rights which were parted with to purchase it, return to the original proprietor, as nothing is more true, than that ALLEGIANCE AND PROTECTION ARE RECIPROCAL.

The committee also proceeded to consider upon what principles, and in what manner, the supreme power of the state thus composed of the powers of the several individuals thereof, may be formed, modelled, and exerted in a republic, so that every member of the state may enjoy political liberty. This is called by some, *the ascertaining of the political law of the state*. Let it now be called *the forming of a constitution*.

The reason why the supreme governor of the world is a rightful and just governor, and entitled to the allegiance of the universe is, because he is infinitely good, wise, and powerful. His goodness prompts him to the best measures, his wisdom qualifies him to discern them, and his power to effect them. In a state likewise, the supreme power is best disposed of, when it is so modelled and balanced, and rested in such hands, that it has the greatest share of goodness, wisdom, and power, which is consistent with the lot of humanity.

That state, (other things being equal) which has reposed the supreme power in the hands of one or a small number of persons, is the

most powerful state. An union, expedition, secrecy and dispatch are to be found only here. Where power is to be executed by a large number, there will not probably be either of the requisites just mentioned. Many men have various opinions: and each one will be tenacious of his own, as he thinks it preferable to any other; for when he thinks otherwise, it will cease to be his opinion. From this diversity of opinions results disunion; from disunion, a want of expedition and dispatch. And the larger number to whom a secret is entrusted, the greater is the probability of its disclosure. This inconvenience more fully strikes us when we consider that want of secrecy may prevent the successful execution of any measures, however excellently formed and digested.

But from a single, or a very small number, we are not to expect that political honesty, and upright regard to the interest of the body of the people, and the civil rights of each individual, which are essential to a good and free constitution. For these qualities we are to go to the body of the people. The voice of the people is said to be the voice of God. No man will be so hardy and presumptuous, as to affirm the truth of that proposition in its fullest extent. But if this is considered as the intent of it, that the people have always a disposition to promote their own happiness, and that when they have time to be informed, and the necessary means of information given them, they will be able to determine upon the necessary measures therefor, no man, of a tolerable acquaintance with mankind, will deny the truth of it. The inconvenience and difficulty in forming any free permanent constitution are, that such is the lot of humanity, the bulk of the people, whose happiness is principally to be consulted in forming a constitution, and in legislation, (as they include the majority) are so situated in life, and

and such are their laudable occupations, that they cannot have time for, nor the means of furnishing themselves with proper information, but must be indebted to some of their fellow-subjects for the communication. Happy is the man, and blessings will attend his memory, who shall improve his leisure, and those abilities which Heaven has indulged him with, in communicating that true information, and impartial knowledge, to his fellow-subjects, which will insure their happiness. But the artful demagogue, who to gratify his ambition or avarice, shall, with the gloss of false patriotism, mislead his countrymen, and meanly snatch from them the golden glorious opportunity of forming a system of political and civil liberty, fraught with blessings for themselves, and remote posterity, what language can paint his demerit? The execrations of ages will be a punishment inadequate; and his name, though ever blackening as it rolls down the stream of time, will not catch its proper hue.

Yet, when we are forming a Constitution, by deductions that follow from established principles, (which is the only good method of forming one for futurity) we are to look further than the bulk of the people, for the greatest wisdom, firmness, consistency, and perseverance. These qualities will most probably be found amongst men of education and fortune. From such men we are to expect genius cultivated by reading, and all the various advantages and assistances, which art, and a liberal education aided by wealth, can furnish. From these result learning, a thorough knowledge of the interests of their country, when considered abstractedly, when compared with neighbouring States, and when with those more remote, and an acquaintance with its produce and manufacture, and its exports and imports. All these are necessary to be known,

in order to determine what is the true interest of any state; and without that interest is ascertained, impossible will it be to discover, whether a variety of certain laws may be beneficial or hurtful. From gentlemen whose private affairs compel them to take care of their own household, and deprive them of leisure, these qualifications are not to be generally expected, whatever class of men they are enrolled in.

Let all these respective excellencies be united. Let the supreme power be so disposed and balanced, that the laws may have in view the interest of the whole; let them be wisely and consistently framed for that end, and firmly adhered to; and let them be executed with vigour and dispatch.

Before we proceed further, it must be again considered, and kept always in view, that we are not attempting to form a temporary constitution. We wish for one founded upon such principles as will secure to us freedom and happiness, however our circumstances may vary.—One that will smile amidst the declensions of European and Asiatic empires, and survive the rude storms of time. It is not therefore to be understood, that all the men of fortune of the present day, are men of wisdom and learning, or that they are not. Nor that the bulk of the people, the farmers, the merchants, the tradesmen, and labourers, are all honest and upright, with single views to the public good, or that they are not. In each of the classes there are undoubtedly exceptions, as the rules laid down are general.—The proposition is only this. That among gentlemen of education, fortune and leisure, we shall find the largest number of men, possessed of wisdom, learning, and a firmness and consistency of character. That among the bulk of the people, we shall find the greatest share of political honesty, probity, and a regard

gard to the interest of the whole, of which they compose the majority. That wisdom and firmness are not sufficient without good intentions, nor the latter without the former. The conclusion is, let the legislative body unite, them all. The former are called the excellencies that result from an aristocracy; the latter, those that result from a democracy.

The supreme power is considered as including the legislative, judicial, and executive powers. The nature and employment of these several powers deserve a distinct attention.

The legislative power is employed in making laws, or prescribing such rules of action to every individual in the state, as the good of the whole requires, to be conformed to by him in his conduct to the governors and governed, with respect both to their persons and property, according to the several relations he stands in.—

What rules of action the good of the whole requires, can be ascertained only by the majority, for a reason formerly mentioned. Therefore the legislative power must be so formed and exerted, that in prescribing any rule of action, or, in other words, enacting any law, the majority must consent. This may be more evident, when the fundamental condition on which every man enters into society, is considered. No man consented that his natural alienable rights should be wantonly controuled: they were controulable only when that controul should be subservient to the good of the whole; and that subserviency, from the very nature of government, can be determined but by one absolute judge. The minority cannot be that judge, because then there may be two judges opposed to each other, so that this subserviency remains undetermined. Now the enacting of a law, is only the exercise of this controul over the natural alienable rights of each member of the state; and therefore this

law must have the consent of the majority, or be invalid, as being contrary to the fundamental condition of the original social contract. In a state of nature, every man had the sovereign controul over his own person. He might also have, in that state, a qualified property.—Whatever lands or chattels he had acquired the peaceable possession of, were exclusively his, by right of occupancy or possession. For while they were unpossessed he had a right to them equally with any other man, and therefore could not be disturbed in his possession, without being injured; for no man could lawfully dispossess him, without having a better right, which no man had. Over this qualified property every man in a state of nature had also a sovereign controul. And in entering into political society, he surrendered this right of controul over his person and property, (with an exception to the rights of conscience) to the supreme legislative power, to be exercised by that power, *when the good of the whole demanded it.*—This was all the right he could surrender, being all the alienable right of which he was possessed. The only objects of legislation therefore, are the person and property of the individuals which compose the state. If the law affects only the persons of the members, the consent of a majority of any members is sufficient. If the law affects the property only, the consent of those who hold a majority of the property is enough. If it affects, (as it will very frequently, if not always) both the person and property, the consent of a majority of the members, and of those members also who hold a majority of the property is necessary. If the consent of the latter is not obtained, their interest is taken from them against their consent, and their boasted security of property is vanished. Those who make the law, in this case give and grant what is
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not theirs. The law, in its principles, becomes a second stamp act. Lord Chatham very finely ridiculed the British House of Commons upon that principle. "You can give and grant, said he, only your own.—Here you give and grant, what? The property of the Americans."—The people of the Massachusetts-Bay then thought his Lordship's ridicule well pointed. And would they be willing to merit the same? Certainly they will agree in the principle, should they mistake the application. The laws of the province of Massachusetts-Bay adopted the same principle, and very happily applied it. As the votes of proprietors of common and undivided lands in their meetings, can affect only their property, therefore it is enacted, that in ascertaining the majority, the votes shall be collected according to the respective interests of the proprietors. If each member, without regard to his property, has equal influence in legislation with any other, it follows, that some members enjoy greater benefits and powers in legislation than others, when these benefits and powers are compared with the rights parted with to purchase them. For the property-holder parts with the controul over his property, of which the latter is destitute.—Therefore to constitute a perfect law in a free state, affecting the persons and property of the members, it is necessary that the law be for the good of the whole, which is to be determined by a majority of the members, and that majority should include those who possess a major part of the property in the state.

The judicial power follows next after the legislative power; for it cannot act, until after laws are prescribed. Every wise legislator annexes a sanction to his laws, which is most commonly penal, (that is) a punishment either corporal or pecuniary, to be inflicted on the member

who shall infringe them. It is the part of the judicial power (which in this territory has always been, and always ought to be, a court and a jury) to ascertain the member who hath broken the law. Every man is to be presumed innocent, until the judicial power hath determined him guilty. When that decision is known, the law annexes the punishment, and the offender is turned over to the executive arm, by whom it is inflicted on him. The judicial power hath also to determine what legal contracts have been broken, and what member hath been injured by a violation of the law, to consider the damages that have been sustained, and to ascertain the recompense. The executive power takes care that this recompense is paid.

The executive power is sometimes divided into the external executive, and internal executive. The former comprehends war, peace, the sending and receiving ambassadors, and whatever concerns the transactions of the state with any other independent state. The confederation of the United States of America hath lopped off this branch of the executive, and placed it in Congress. We have therefore only to consider the internal executive power, which is employed in the peace, security and protection of the subject and his property, and in defence of the state.—The executive power is to marshal and command her militia and armies for her defence, to enforce the law, and to carry into execution all the orders of the legislative powers.

A little attention to the subject will convince us, that these three powers ought to be in different hands, and independent of one another, and so balanced, and each having that check upon the other, that their independence shall be preserved. If the three powers are united, the government will be absolute, *whether these powers are in*

the hands of one or a large number. The same party will be the legislator, accuser, judge and executioner; what probability will an accused person have of an acquittal, however innocent he may be, when his judge will be also a party.

If the legislative and judicial powers are united, the maker of the law will also interpret it; and the law may then speak a language, dictated by the whims, the caprice, or the prejudice of the judge, with impunity to him.—And what people are so unhappy as those whose laws are uncertain. It will also be in the breast of the judge, when grasping after his prey, to make a retrospective law, which shall bring the unhappy offender within it; and this also he can do with impunity.—The subject can have no peaceable remedy.—The judge will try himself, and an acquittal is the certain consequence. He has it also in his power to enact any law, which may shelter him from deserved vengeance.

Should the executive and legislative powers be united, mischiefs the most terrible would follow. The executive would enact those laws it pleased to execute, and no others.—The judicial power would be set aside as inconvenient and tardy.—The security and protection of the subject would be a shadow.—The executive power would make itself absolute, and the government end in tyranny.—Lewis the Eleventh of France, by cunning and treachery compleated the union of the executive and legislative powers of that kingdom, and upon that union established a system of tyranny. France was formerly under a free government.

The assembly or representatives of the United States of Holland, exercise the executive and legislative powers, and the government there is absolute.

Should the executive and judicial powers be united, the subject would then have no permanent security of his person and property. The executive power would interpret the laws and bend them to his will; and, as he is the judge, he may leap over them by artful instructions, and gratify, with impunity, the most rapacious passions. Perhaps no cause in any state has contributed more to promote internal convulsions, and to stain the scaffold with its own blood, than this unhappy union. And it is an union which the executive power in all states, hath attempted to form: if that could not be compassed, to make the judicial power dependent upon it. Indeed, the dependence of any of these powers upon either of the others, which in all states has always been attempted by one or the other of them, has so often been productive of such calamities, and of the shedding of such oceans of blood, that the page of history seems to be one continued tale of human wretchedness.

The following principles now seem to be established:

1. That the supreme power is limited, and cannot controul the unalienable rights of mankind, nor resume the equivalent (that is, the security of person and property) which each individual receives, as a consideration for the alienable rights he parted with in entering into political society.
2. That these unalienable rights, and this equivalent, are to be clearly defined and ascertained in a BILL OF RIGHTS, previous to the ratification of any constitution.
3. That the supreme power should be so formed and modelled, as to exert the greatest possible power, wisdom, and goodness.
4. That the legislative, judicial, and executive powers, are to be lodged in different hands, that each branch

branch is to be independent, and further, to be so balanced, and be able to exert such checks upon the others, as will preserve it from a dependence on, or an union with them.

5. That government can exert the greatest power when its supreme authority is vested in the hands of one or a few.

6. That the laws will be made with the greatest wisdom, and best intentions, when men, of all the several classes in the state concur in the enacting of them.

7. That a government which is so constituted, that it cannot afford a degree of political liberty nearly equal to its members, is not founded upon principles of freedom and justice, and where any member enjoys no degree of political liberty, the government so far as respects him, is a tyranny, for he is controuled by laws to which he has never consented.

8. That the legislative power of a state hath no authority to controul the natural rights of any of its members, unless the good of the whole requires it.

9. That a majority of the state is the only judge when the general good does require it.

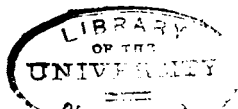
10. That where the legislative power of the state is so formed, that a law may be enacted by the minority, each member of the state does not enjoy political liberty. And

11. That in a free government, a law affecting the person and property of its members, is not valid, unless it has the consent of a majority of the members, which majority should include those who hold a major part of the property in the state.

It may be necessary to proceed further, and notice some particular principles, which should be attended to in forming the three several powers in a free republican government.

The first important branch that comes under our consideration is

the legislative body; Was the number of people so small, that the whole could meet together without inconvenience, the opinion of the majority would be more easily known. But, besides the inconvenience of assembling such numbers, no great advantages could follow. Sixty thousand people could not discuss with candour, and determine with deliberation. Tumults, riots, and murder would be the result. But the impracticability of forming such an assembly, renders it needless to make any further observations. The opinions and consent of the majority must be collected from persons delegated by every freeman of the state for that purpose. Every freeman, who hath sufficient discretion, should have a voice in the election of his legislators. To speak with precision, in every free state where the power of legislation is lodged in the hands of one or more bodies of representatives elected for that purpose, the person of every member of the state, and all the property in it, ought to be represented, because they are objects of legislation. All the members of the state are qualified to make the election, unless they have not sufficient discretion, or are so situated as to have no wills of their own. Persons not twenty-one years old are deemed of the former class, from their want of years and experience. The municipal law of this country will not trust them with the disposition of their lands, and consigns them to the care of their parents or guardians. Women, what age soever they are of, are also considered as not having a sufficient acquired discretion; not from a deficiency in their mental powers, but from the natural tenderness and delicacy of their minds, their retired mode of life, and various domestic duties. These concurring, prevent that promiscuous intercourse with the world, which is necessary to qualify them for



for electors. Slaves are of the latter class, and have no wills. But are slaves members of a free government? We feel the absurdity, and would to God the situation of America and the tempers of its inhabitants were such, that the slaveholder could not be found in the land.

The rights of representation should be so equally and impartially distributed, that the representatives should have the same views and interests with the people at large. They should think, feel, and act like them, and in fine, should be (if we may use the expression) the whole body politic, with all its property, rights, and privileges, reduced to a smaller scale, every part being diminished in just proportion. To pursue the metaphor. If in adjusting the representation of freemen, any ten are reduced into one, all the other tens should be alike reduced: or if any hundred should be reduced to one, all the other hundreds should have just the same reduction. The representation ought always to be so adjusted, that it should be the interest of the representatives at all times to do justice, therefore equal interest among the people, should have equal interest among the body of representatives. The majority of the representatives should also represent a majority of the people, and the legislative body should be so constructed, that every law affecting property should have the consent of those who hold a majority of the property. The law would then be determined to be for the good of the whole by the proper judge, the majority, and the necessary consent thereto would be obtained: and all the members of the state would enjoy political liberty, and an equal degree of it. If the scale to which the body politic is to be reduced, is but a little smaller than the original, or, in other words, if a small num-

ber of freemen should be reduced to one, that is, send one representative, the number of representatives would be too large for the public good. The expences of government would be enormous. The body would be too unwieldy to deliberate with candour and coolness. The variety of opinions and oppositions would irritate the passions. Parties would be formed and factions engendered. The members would sit under the banners of their respective leaders: address and intrigue would conduct the debates, and the result would tend only to promote the ambition or interest of a particular party. Such has always been, in some degree, the course and event of debates instituted and managed by a large multitude.

For these reasons, some foreign politicians have laid it down as a rule, that no body of men larger than an hundred would transact business well: and Lord Chesterfield called the British House of Commons a mere mob, because of the number of men which composed it.

Elections ought also to be free. No bribery, corruption, or undue influence should have place. They stifle the free voice of the people, corrupt their morals, and introduce a degeneracy of manners, a supineness of temper, and an inattention to their liberties, which pave the road for the approach of tyranny, in all its frightful forms.

The man who buys an elector by his bribes will sell him again, and reap a profit from the bargain; and he thereby become a dangerous member of society. The legislative body will hold the purse strings, and men will struggle for a place in that body to acquire a share in the public wealth. It has always been the case. Bribery will be attempted, and the laws will not prevent it. All states have enacted severe laws against it, and they have been ineffectual. The defect

fect was in their forms of Government. They were not so contrived, as to prevent the practicability of it. If a small corporation can place a man in the legislative body, to bribe will be easy and cheap. To bribe a large corporation would be difficult and expensive, if practicable. In Great-Britain, the representatives of their counties and great cities are freely elected. To bribe the electors there is impracticable: and their representatives are the most upright and able statesmen in parliament. The small boroughs are bought by the ministry and opulent men; and their representatives are the mere tools of administration or faction. Let us take warning.

A further check upon bribery is, when the corrupter of the people knows not the electors. If delegates were first appointed by a number of corporations, who at a short day were to elect their representatives, those blood-hounds in a state would be at fault. They would not scent their game. Besides, the representatives would probably be much better men—they would be doubly refined.

But it may be said, the virtuous America would blast with indignation the man, who should proffer him a bribe. Let it now be admitted as a fact: We ask; will that always be the case? The most virtuous states have become vicious: The morals of all people, in all ages, have been shockingly corrupted.—The rigidly virtuous Spartans, who banished the use of gold and silver; who gloried in their poverty for centuries, at last fell a prey to luxury and corruption: The Romans, whose intense love to their country astonishes a modern patriot, who fought the battles of the republic for three hundred years without pay, and who, as volunteers, extended her empire over Italy, were at last dissolved in luxury, courted the hand of bribery, and finally sold themselves

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as slaves, and prostrated their country to tyrants the most ignominious and brutal. Shall we alone boast an exemption from the general fate of mankind? Are our private and political virtues to be transmitted untainted from generation to generation, through a course of ages? Have we not always degenerated from the pure morals and disinterested patriotism of our ancestors? And are not our manners becoming soft and luxurious; and have not our vices began to shoot? Would one venture to prophecy, that in a century from this period we shall be a corrupt luxurious people, perhaps the close of that century would stamp this prophecy with the title of history.

The rights of representation should also be held sacred and inviolable, and for this purpose, representation should be fixed upon known and easy principles; and the constitution should make provision, that recourse should constantly be had to those principles within a very small period of years, to rectify the errors that will creep in through lapse of time, or alteration of situations. The want of fixed principles of government, and a stated regular recourse to them, have produced the dissolution of all states whose constitutions have been transmitted to us by history.

But the legislative power must not be trusted with one assembly. A single assembly is frequently influenced by the vices, follies, passions, and prejudices of an individual. It is liable to be avaricious, and to exempt itself from the burdens it lays upon its constituents. It is subject to ambition, and after a series of years will be prompted to vote itself perpetual. The long parliament in England voted itself perpetual, and thereby, for a time, destroyed the political liberty of the subject. Holland was governed by one representative assembly annually elected. They afterwards voted themselves

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from annual to septennial; then for life; and finally exerted the power of filling up all vacancies, without application to their constituents. The government of Holland is now a tyranny *though a republic*.

The result of a single assembly will be hasty and indigested, and their judgments frequently absurd and inconsistent. There must be a second body to revise with coolness and wisdom, and to controul with firmness, independent upon the first, must retain a right to a similar revision and controul over the second.

Let us now ascertain some particular principles which should be attended to, in forming the executive power.

When we recollect the nature and employment of this power, we find that it ought to be conducted with vigour and dispatch. It should be able to execute the laws without opposition, and to controul all the turbulent spirits in the state, who should infringe them. If the laws are not obeyed, the legislative power is vain, and the judicial is mere pageantry. As these laws, with their several sanctions, are the only securities of person and property the members of the state can confide in, if they lay dormant through failure of execution, violence and oppression will erect their heads, and stalk unmoled through the land. The judicial power ought to discriminate the offender, as soon after the commission of the offence as an impartial trial will admit; and the executive arm to inflict the punishment immediately after the criminal is ascertained. This would have an happy tendency to prevent crimes, as the commission of them would awaken the attendant idea of punishment; and the hope of an escape, which is often an inducement, would be cut off. The executive power ought therefore, in these cases, to be exerted with union, vigour, and dis-

patch. Another duty of that power is to arrest offenders, and bring them to trial. This cannot often be done, unless secrecy and expedition are used. The want of those two requisites will be more especially inconvenient in repressing treasons, and those more enormous offences which strike at the happiness, if not existence of the whole. Offenders of these classes do not act alone. Some number is necessary to the compleating of the crime. Cabals are formed with art, and secrecy presides over their councils; while measures the most fatal are the result, to be executed by desperation. On these men the thunder of the state should be hurled with rapidity: for if they hear it roll at a distance, their danger is over. When they gain intelligence of the process, they abscond, and wait a more favourable opportunity. If that is attended with difficulties they destroy all the evidence of their guilt, brave government, and deride the justice and power of the state.

It has been observed likewise, that the executive power is to act as Captain-general, to marshal the militia and armies of the state, and, for her defence, to lead them on to battle. These armies should always be composed of the militia or body of the people. Standing armies are a tremendous curse to a state. In all periods in which they have existed, they have been the scourge of mankind. In this department, union, vigour, secrecy, and dispatch are more peculiarly necessary. Was one to propose a body of militia, over which two Generals, with equal authority, should have the command, he would be laughed at. Should one pretend, that the General should have no controul over his subordinate officers, either to remove them, or supply their posts, he would be pitied for his ignorance of the subject he was discussing. It is obviously
necessary

necessary, that the man who calls the militia to action, and assumes the military controul over them in the field, should previously know the number of his men, their equipments and residence, and the talents and tempers of the several ranks of officers, and their respective departments in the state, that he may wisely determine to whom the necessary orders are to be issued. Regular and particular returns of these requisites should be frequently made. Let it be enquired, are these returns to be made only to the legislative body, or a branch of it, which necessarily moves slow?—Is the General to go to them for information? intreat them to remove an improper officer, and give him another they shall chuse? and in fine he is to supplicate his orders from them, and constantly walk where their leading-strings shall direct his steps? If so, where are the power and force of the militia—where the union—where the dispatch and profound secrecy? Or shall these returns be made to him?—when he may see with his own eyes—be his own judge of the merit or demerit of his officers—discern their various talents and qualifications, and employ them as the service and defence of his country demand. Besides, the legislative body or a branch of it is local—they cannot therefore personally inform themselves of these facts, but must judge upon trust. The General's opinion will be founded upon his own observations—the officers and privates of the militia will act under his eyes; and, if he has it in his power immediately to promote or disgrace them, they will be induced to noble exertions. It may further be observed here, that if the subordinate civil or military executive officers are appointed by the legislative body or a branch of it, the former will become dependent upon the latter, and the necessary independence of either the legislative or

executive powers upon the other is wanting. The legislative power will have that undue influence over the executive, which will amount to a controul, for the latter will be their creatures, and will fear their creators.

One further observation may be pertinent. Such is the temper of mankind, that each man will be too liable to introduce his own friends and connections into office, without regarding the public interest. If one man or a small number appoint, their connections will probably be introduced. If a large number appoint, all their connections will receive the same favour. The smaller the number appointing, the more contracted are their connections, and for that reason, there will be a greater probability of better officers, as the connections of one man, or a very small number, can fill but a very few of the offices. When a small number of men have the power of appointment, or the management in any particular department, their conduct is accurately noticed. On any miscarriage or imprudence, the public resentment lies with weight. All the eyes of the people are converted to a point, and produce that attention to their censure, and that fear of misbehaviour, which are the greatest security the state can have, of the wisdom and prudence of its servants. This observation will strike us, when we recollect that many a man will zealously promote an affair in a public assembly, of which he is but one of a large number; yet, at the same time, he would blush to be thought the sole author of it. For all these reasons, the supreme executive power should be rested in the hands of one, or of a small number, who should have the appointment of all subordinate executive officers. Should the supreme executive officer be elected by the legislative body, there would be a dependence of the executive

power upon the legislative. Should he be elected by the judicial body, there also would be a dependence. The people at large must, therefore, designate the person to whom they will delegate this power. And upon the people, there ought to be a dependence of all the powers in government, for all the officers in the state are but servants of the people.

We have not noticed the navy department. The conducting of that department is indisputably in the supreme executive power: and we suppose, that all the observations respecting the Captain-general apply to the Admiral.

We are next to fix upon some general rules which should govern us in forming the judicial power. This power is to be independent upon the executive and legislative. The judicial power should be a court and jury, or as they are commonly called, the Judges and Jury. The jury are the peers or equals of every man, and are to try all facts. The province of the Judges is to preside in and regulate all trials, and ascertain the law. We shall only consider the appointment of the Judges. The same power which appoints them, ought not to have the power of removing them, not even for misbehaviour. That conduct only would then be deemed misbehaviour which was opposed to the will of the power of removing. A removal in this case, for proper reasons, would not be often attainable: for to remove a man from an office, because he is not properly qualified to discharge the duties of it, is a severe censure upon that man or body of men who appointed him—and mankind do not love to censure themselves. Whoever appoints the judges, they ought not to be removable at pleasure, for they will then feel a dependence upon that man, or body of men, who hath the power of removal. Nor ought they

to be dependent upon either the executive or legislative power for their salaries, for if they are, that power on whom they are thus dependent, can starve them into compliance. One of these two powers should appoint, and the other remove. The legislative will not probably appoint so good men as the executive, for reasons formerly mentioned. The former are composed of a large body of men, who have a numerous train of friends and connections, and they do not hazard their reputations, which the executive will. It has often been mentioned that where a large body of men are responsible for any measures, a regard to their reputations, and to the public opinion, will not prompt them to use that care and precaution, which such regard will prompt one or a few to make use of. Let one more observation be now induced to confirm it. Every man has some friends and dependents who will endeavour to snatch him from the public hatred. One man has but a few comparatively, they are not numerous enough to protect him, and he falls a victim to his own misconduct. When measures are conducted by a large number, their friends and connections are numerous and noisy—they are dispersed through the state—their clamours stifle the execrations of the people, whose groans cannot even be heard. But to resume, neither will the executive body be the most proper judge when to remove. If this body is judge, it must also be the accuser, or the legislative body, or a branch of it, must be.—If the executive body complains, it will be both accuser and judge.—If the complaint is preferred by the legislative body, or a branch of it, when the judges are appointed by the legislative body, then a body of men, who were concerned in the appointment, must, in most cases, complain of the impropriety of their own appointment.

ment. Let therefore the judges be appointed by the executive body; let their salaries be independent—and let them hold their places during good behaviour.—Let their misbehaviour be determinable by the legislative body—let one branch thereof impeach, and the other judge. Upon these principles the judicial body will be independent so long as they behave well, and a proper court is appointed to ascertain their malconduct.

The Committee afterwards proceeded to consider the Constitution framed by the Convention of State. They have examined that Constitution with all the care the shortness of the time would admit. And they are compelled, though reluctantly, to say, that some of the principles upon which it is founded appeared to them inconsonant, not only to the natural rights of mankind, but to the fundamental condition of the original social contract, and the principles of a free republican government. In that form of government the governor appears to be the supreme executive officer, and the legislative power is in an house of representative and senate. It may be necessary to descend to a more particular consideration of the several articles of that constitution.

The second article thereof appears exceptionable upon the principles we have already attempted to establish, because the supreme executive officer hath a seat and voice in one branch of the legislative body, and is assisting in originating and framing the laws, the Governor being entitled to a seat and voice in the senate, and to preside in it, and may thereby have that influence in the legislative body, which the supreme executive officer ought not to have.

The third article among other things, ascertains the qualifications of the Governor, Lieutenant-go-

vernor, Senators and Representatives, respecting property—The estate sufficient to qualify a man for governor is so small, it is hardly any qualification at all. Further, the method of ascertaining the value of the estates of the officers aforesaid is vague and uncertain, as it depends upon the nature and quantity of the currency, and the encrease of property, and not upon any fixed principles. This article therefore appears to be exceptionable.

The sixth article regulates the election of representatives. So many objections present themselves to this article, we are at a loss which first to mention. The representation is grossly unequal, and it is flagrantly unjust. It violates the fundamental principle of the original social contract, and introduces an unwieldy and expensive house. Representation ought to be equal upon the principles formerly mentioned. By this article any corporation, however small, may send one representative, while no corporation can send more than one, unless it has three hundred freemen. Twenty corporations (of three hundred freemen in each) containing in the whole six thousand freemen, may send forty representatives, when one corporation, which shall contain six thousand two hundred and twenty, can send but nineteen. One third of the state may send a majority of the representatives, and all the laws may be enacted by a majority.—Do all the members of the state then enjoy political liberty? Will they not be controuled by laws enacted against their consent? When we go further and find, that sixty members make a house, and that the concurrence of thirty-one (which is about one twelfth of what may be the present number of representatives) is sufficient to bind the persons and properties of the members of the state, we stand amazed, and

and are sorry that any well-disposed Americans were so inattentive to the consequences of such an arrangement.

The number of representatives is too large to debate with coolness and deliberation, the public business will be protracted to an undue length, and the pay of the House is enormous. As the number of freemen in the state encreases, these inconveniences will encrease; and in a century, the House of representatives will, from their numbers, be a mere mob. Observations upon this article crowd upon us, but we will dismiss it, with wishing that the mode of representation there proposed, may be candidly compared with the principles which have been already mentioned in the course of our observations upon the legislative power, and upon representation, in a free republic.

The ninth article regulates the election of senators, which we think exceptionable. As the senators for each district will be elected by all the freemen in the state properly qualified, a trust is reposed in the people which they are unequal to. The freemen in the late province of Maine, are to give in their votes for senators in the western district, and so on the contrary. Is it supposeable that the freemen in the county of Lincoln can judge of the political merits of a senator in Berkshire? Must not the several corporations in the state, in a great measure depend upon their representatives for information? And will not the House of representatives in fact chuse the senators? That independence of the senate upon the house, which the constitution seems to have intended, is visionary, and the benefits which were expected to result from a senate, as one distinct branch of the legislative body, will not be discoverable.

The tenth article prescribes the method in which the Governor is to

be elected. This method is open to, and will introduce bribery and corruption, and also originate parties and factions in the state. The Governor of Rhode Island was formerly elected in this manner, and we all know how long a late Governor there, procured his re-election by methods the most unjustifiable. Bribery was attempted in an open and flagrant manner.

The thirteenth article ascertains the authority of the general court, and by that article we find their power is limited only by the several articles of the Constitution. We do not find that the rights of conscience are ascertained and defined, unless they may be brought to be in the thirty-fourth article. That article we conceive to be expressed in very loose and uncertain terms. What is a *religious* profession and worship of God, has been disputed for sixteen hundred years, and the various sects of Christians have not yet settled the dispute. What is a free exercise and enjoyment of religious worship has been, and still is, a subject of much altercation. And this free exercise and enjoyment is said to be *allowed* to the Protestants of this state by the Constitution, when we suppose it to be an unalienable right of all mankind, which no human power can wrest from them. We do not find any Bill of Rights either accompanying the Constitution, or interwoven with it, and no attempt is made to define and secure that protection of the person and property of the members of the state, which the legislative and executive bodies cannot withhold, unless the general words *of confirming the right to trial by jury*, should be considered as such definition and security. We think a Bill of Rights ascertaining and clearly describing the rights of conscience, and that security of person and property the supreme power of the state is bound to afford to all the members

bers thereof, ought to be fully ratified, before, or at the same time with, the establishment of any constitution.

The fifteenth article fixes the number which shall constitute a quorum in the Senate and House of Representatives.—We think these numbers much too small.—This Constitution will immediately introduce about three hundred and sixty members into the House. If sixty make a quorum, the House may totally change its members six different times; and it probably will very often, in the course of a long session, be composed of such a variety of members as will retard the public business, and introduce confusion in the debates, and inconsistency in the result. Besides the number of members, whose concurrence is necessary to enact a law, is so small, that the subjects of the state will have no security, that the laws which are to controul their natural rights, have the consent of a majority of the freemen. The same reasoning applies to the senate, though not so strikingly, as a quorum of that body must consist of nearly a third of the senators.

The eighteenth article describes the several powers of the Governor, or the supreme executive officer. We find in comparing the several articles of the Constitution, that the Senates are the only courts to try impeachments. We also conceive that every officer in the state ought to be amenable to such court. We think, therefore, that the members of that court ought never to be advisers to any officer in the state. If their advice is the result of inattention or corruption, they cannot be brought to punishment by impeachment, as they will be their own judges. Neither will the officer who pursues their advice be often, if ever, punishable, for a similar reason. To condemn this officer will be to reprobate their

own advice—consequently a proper body is not formed to advise the Governor, when a sudden emergency may render advice expedient: for the senate advise, and are the court to try impeachments. We would now make one further observation, that we cannot discover in this article, or in any part of the Constitution, that the executive power is entrusted with a check upon the legislative power, sufficient to prevent the encroachment of the latter upon the former.—Without this check the legislative power will exercise the executive, and in a series of years, the government will be as absolute as that of Holland.

The nineteenth article regulates the appointment of the several classes of officers. And we find that almost all the officers are appointed by the Governor and Senate. An objection formerly made occurs here. The Senate, with the Governor, is the court to remove those officers for misbehaviour. Those officers, in general, who are guilty of misconduct in the execution of their office, were improper men to be appointed. Sufficient care was not taken in ascertaining their political military or moral qualifications. Will the senators, therefore, if they appoint, be a proper court to remove. Will not a regard to their own characters have an undue bias upon them. This objection will grow stronger, if we may suppose that a time will come, when a man may procure his appointment to office by bribery. The members of that court, therefore, who alone can remove for misbehaviour, should not be concerned in the appointment. Besides, if one branch of the legislative body appoint the executive officers, and the same branch alone can remove them, the legislative power will acquire an undue influence over the executive.

The twenty-second article describes the authority the Governor shall

shall have in all businesses to be transacted by him and the Senate. The Governor by this article must be present in conducting an impeachment. He has it therefore in his power to rescue a favourite from impeachment, so long as he is Governor, by absenting himself from the senate, whenever the impeachment is to be brought forwards.

We cannot conceive upon what principles the twenty-third article ascertains the Speaker of the House to be one of the three, the majority of whom have the power of granting pardons. The Speaker is an officer of one branch of the legislative body, and hourly depends upon them for his existence in that character—he therefore would not, probably, be disposed to offend any leading party in the House, by consenting to, or denying a pardon. An undue influence might prevail, and the power of pardoning be improperly exercised.—When the Speaker is guilty of this improper exercise, he cannot be punished but by impeachment, and as he is commonly a favourite of a considerable party in the House, it will be difficult to procure the accusation; for his party will support him.

The judges, by the twenty-fourth article, are to hold their places during good behaviour, but we do not find that their salaries are any where directed to be fixed. The House of Representatives may therefore starve them into a state of dependence.

The twenty-eighth article determines the mode of electing and removing the delegates for Congress. It is by joint ballot of the House and Senate. These delegates should be some of the best men in the State. Their abilities and characters should be thoroughly investigated. This will be more effectually done, if they are elected by the legislative body, each branch having a right to originate or negative the choice, and

removal. And we cannot conceive why they should not be elected in this manner, as well as all officers who are annually appointed with annual grants of their salaries, as is directed in the nineteenth article. By the mode of election now excepted against, the House may chuse their delegates, although every senator should vote against their choice.

The thirty-fourth article respecting liberty of conscience, we think exceptionable; but the observations necessary to be made thereon, were introduced in animadverting upon the thirteenth article.

The Committee have purposely been as concise as possible in their observations upon the Constitution proposed by the Convention of this State.—Where they thought it was non-conformable to the principles of a free republican government, they have ventured to point out the non-conformity—where they thought it was repugnant to the original social contract, they have taken the liberty to suggest that repugnance—and where they were persuaded it was founded in political injustice, they have dared to assert it.

The Committee, in obedience to the direction of this body, afterwards proceeded to delineate the general outlines of a Constitution conformable to what have been already reported by them, as the principles of a free republican government, and as the natural rights of mankind.

They first attempted to delineate the legislative body. It has already been premised, that the legislative power is to be lodged in two bodies, composed of the representatives of the people. That representation ought to be equal. And that no law affecting the person and property of the members of the state ought to be enacted, without the consent of a majority of the members, and of those also who hold a major part of the property.

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In forming the first body of legislators, let regard be had only to the representation of persons, not of property. This body we call the house of representatives. Ascertain the number of representatives. It ought not to be so large as will induce an enormous expence to government, nor too unwieldy to deliberate with coolness and attention; nor so small as to be unacquainted with the situation and circumstances of the state. One hundred will be large enough, and perhaps it may be too large. We are persuaded that any number of men exceeding that, cannot do business with such expedition and propriety as a smaller number could. However let that at present be considered as the number. Let us have the number of freemen in the several counties in the state; and let these representatives be apportioned among the respective counties, in proportion to their number of freemen. The representation yet remains equal. Let the representation for the several counties be elected in this manner. Let the several towns in the respective counties, the first Wednesday in May annually, choose delegates to meet in county convention on the Thursday next after the second Wednesday in May annually, and there elect the representatives for the county.—Let the number of delegates each town shall send to the county convention be regulated in this manner. Ascertain that town which hath the smallest number of freemen, and let that town send one. Suppose the smallest town contains fifty. All the other towns shall then send as many members as they have fifties. If after the fifties are deducted, there remains an odd number, and that number is twenty-five, or more, let them send another, if less, let no notice be taken of it. We have taken a certain for an uncertain number. Here the representation is as equal

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as the situation of a large political society will admit. No qualification should be necessary for a representative, except residence in the county the two years preceding his election, and the payment of taxes those years. Any freeman may be an elector who hath resided in the county the year preceding. The same qualification is requisite for a delegate that is required of a representative. The representatives are designed to represent the persons of the members, and therefore we do not consider a qualification in point of property necessary for them.

These representatives shall be returned from the several parts of the county in this manner.—Each county convention shall divide the county into as many districts as they send representatives, by the following rule.—As we have the number of freemen in the county, and the number of county representatives, by dividing the greater by the less, we have the number of freemen entitled to send one representative.—Then add as many adjoining towns together as contain that number of freemen, or as near as may be, and let those towns form one district, and proceed in this manner through the county. Let a representative be chosen out of each district, and let all the representatives be elected out of the members who compose the county convention. In this house we find a proportionate representation of persons. If a law passes this house it hath the consent of a majority of the freemen; and here we may look for political honesty, probity, and upright intentions to the good of the whole. Let this house therefore originate money-bills, as they will not have that inducement to extravagant liberality which an house composed of opulent men would, as the former would feel more sensibly the consequences. This county convention hath other business to do,

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which shall be mentioned hereafter. We shall only now observe, that this convention, upon a proper summons, is to meet again, to supply all vacancies in its representation, by electing other representatives out of the district in which the vacancy falls.—The formation of the second body of legislators next came under consideration, which may be called the senate. In electing the members for this body, let the representation of property be attended to. The senators may be chosen most easily in a county convention, which may be called the senatorial convention.—Ascertain the number of senators.—Perhaps thirty-three will be neither too large nor too small. Let seven more be added to the thirty-three which will make forty—these seven will be wanted for another purpose to be mentioned hereafter.—Apportion the whole number upon the several counties, in proportion to the state-tax each county pays.—Each freeman of the state, who is possessed of a certain quantity of property, may be an elector of the senators. To ascertain the value of a man's estate by a valuation is exceedingly difficult, if possible, unless he voluntarily returns a valuation.—To ascertain it by oath would be laying snares for a man's conscience, and would be a needless multiplication of oaths if another method could be devised.—To fix his property at any certain sum, would be vague and uncertain, such is the fluctuation of even the best currency, and such the continual alteration of the nominal value of property.—Let the state-tax assessed on each freeman's estate decide it.—That tax will generally bear a very just proportion to the nominal value of a currency, and of property. Let every freeman whose estate pays such a proportion of the state-tax that had been last assessed previous to his electing, as three pounds is to an

hundred thousand pounds, be an elector. The senatorial convention may be composed of delegates from the several towns elected in this manner. Ascertain the town which contains the smallest number of freemen whose estates pay such tax, and ascertain that number. Suppose it to be thirty. Let that town send one, and let all the other towns in the county send as many delegates as they have thirties. If after the thirties are deducted there remains an odd number, and that number is fifteen, or more, let them send another, if it is less than fifteen, let no notice be taken of it. Let the delegates for the senatorial convention be chosen at the same time with the county delegates, and meet in convention the second Wednesday in May annually, which is the day before the county convention is to meet—and let no county delegate be a senatorial delegate the same year. We have here a senate (deducting seven in the manner and for the purpose hereafter to be mentioned) which more peculiarly represents the property of the state; and no act will pass both branches of the legislative body, without having the consent of those members who hold a major part of the property of the state. In electing the senate in this manner, the representation will be as equal as the fluctuation of property will admit of, and it is an equal representation of property so far as the number of senators are proportioned among the several counties. Such is the distribution of intestate estates in this country, the inequality between the estates of the bulk of the property-holders is so inconsiderable, and the tax necessary to qualify a man to be an elector of a senator is so moderate, it may be demonstrated, that a law which passes both branches will have the consent of those persons who hold a majority of the property in the state. No
freeman

freeman should be a delegate for the senatorial convention unless his estate pays the same tax which was necessary to qualify him to elect delegates for that convention; and no freeman shall be an elector of a delegate for that convention, nor a delegate therefor, unless he has been an inhabitant of the county for the two years next preceding.—No person shall be capable of an election into the senate unless he has been an inhabitant of the county for three years next preceding his election.—His qualification in point of estate is also to be considered. Let the state tax which was assessed upon his estate for the three years next preceding his election be, upon an average, at the rate of six pounds in an hundred thousand annually.

This will be all the duty of the senatorial convention, unless there should be a vacancy in the former, when it will be again convened to fill up the vacancy. These two bodies will have the execution of the legislative power; and they are composed of the necessary members to make a just proportion of taxes among the several counties. This is all the discretionary power they will have in apportioning the taxes;

Once in five years at least, the legislative body shall make a valuation for the several counties in the State, and at the same time each county shall make a county valuation, by a county convention chosen for that purpose only, by the same rules which the legislative body observed in making the State valuation—and whenever a State valuation is made, let the several county valuations be also made. The legislative body after they have proportioned the State tax among the several counties, shall also proportion the tax among the several plantations and towns, agreeably to the county valuation, to be filed in the records of the Ge-

neral Court for that purpose. It may be observed, that this county valuation will be taken and adjusted in county convention, in which persons only are to be equally represented: and it may also be objected, that property ought to be represented for this purpose. It is answered, that each man in the county will pay at least a poll tax, and therefore ought to be represented in this convention—that it is impracticable in one convention to have persons and property both represented, with any degree of equality, without great intricacy—and that, where both cannot be represented without great intricacy, the representation of property should yield the preference to that of persons. The counties ought not to be compelled to pay their own representatives—if so, the counties remote from government would be at a greater charge than the other counties, which would be unjust—for they have only an equal influence in legislation with the other counties, yet they cannot use that influence but at a greater expence.—They therefore labour under greater disadvantages in the enjoyment of their political liberties than the other counties. If the remote counties enjoyed a larger proportional influence in legislation than the other counties, it would be just they should pay their own members, for the enhanced expence would tend to check this inequality of representation.

All the representatives should attend the house, if possible, and all the senators the senate. A change of faces in the course of a session retards and perplexes the public business. No man should accept of a seat in the legislative body without he intends a constant attendance upon his duty. Unavoidable accidents, necessary private business, sickness and death may, and will prevent a general attendance: but the num-

bers requisite to constitute a quorum of the house and senate should be so large as to admit of the absence of members, only for the reasons aforesaid. If members declined to attend their duty they should be expelled, and others chosen who would do better. Let seventy-five constitute a quorum of the house, and twenty-four of the senate. However, no law ought to be enacted at any time, unless it has the concurrence of fifty-one representatives and seventeen senators.

We have now the legislative body (deducting seven of the senators.) Each branch hath a negative upon the other—and either branch may originate any bill, or propose any amendment, except a money bill, which should be concurred or non-concurred by the senate in the whole. The legislative body is so formed and balanced, that the laws will be made with the greatest wisdom and the best intentions; and the proper consent thereto is obtained. Each man enjoys political liberty, and his civil rights will be taken care of.—And all orders of men are interested in government, will put confidence in it, and struggle for its support. As the county and senatorial delegates are chosen the same day throughout the State, as all the county conventions are held at the same time, and all the senatorial conventions on one day, and as these delegates are formed into conventions on a short day after their election, elections will be free, bribery will be impracticable, and party and factions will not be formed. As the senatorial conventions are held the day before the county conventions, the latter will have notice of the persons elected senators, and will not return them as representatives.—The senatorial convention should, after its first election of senators, be adjourned without day, but not dissolved, and to be occasionally called to-

gether by the supreme executive officer, to keep the senate full, should a senator elected decline the office, or afterwards resign, be expelled, or die. The county convention in the same way are to keep the representation full, and also supply all vacancies in the offices they will be authorized to appoint to and elect, as will be presently mentioned. By making provision in the constitution that recourse be had to these principles of representation every twenty years, by taking new lists of the freemen for that purpose, and by a new distribution of the number of representatives agreeably thereto, and of the senators in proportion to the State tax, representation will be always free and equal. These principles easily accommodate themselves to the erection of new counties and towns.—Crude and hasty determinations of the house will be revised or controuled by the senate; and those views of the senate which may arise from ambition or a disregard to civil liberty will be frustrated. Government will acquire a dignity and firmness, which is the greatest security of the subject: while the people look on, and observe the conduct of their servants, and continue or withdraw their favour annually, according to their merit or demerit.

The forming of the executive power came next in course. Every freeman in the State should have a voice in this formation; for as the executive power hath no controul over property, but in pursuance of established laws, the consent of the property-holders need not be considered as necessary. Let the head of the executive power be a Governor, (or in his absence, or on his death, a Lieutenant-governor) and let him be elected in the several county conventions by ballot, on the same day the representatives are chosen.

chosen. Let a return be made by each man fixed upon the several conventions, and the man who is returned by any county shall be considered as having as many votes as that county sends representatives. Therefore the whole number of votes will be one hundred. He who hath fifty-one or more votes is Governor. Let the Lieutenant-governor be designated in the same way. This head of the supreme executive power should have a privy council, or a small select number (suppose seven) to advise with. Let him not chuse them himself—for he might then, if wickedly disposed, elect no persons who had integrity enough to controul him by their advice. Let the legislative body elect them in this manner. The house shall chuse by ballot seven out of the senate.—These shall be a privy council, four of whom shall constitute a quorum. Let the Governor alone marshal the militia, and regulate the same, together with the navy, and appoint all their officers, and remove them at pleasure. The temper, use, and end of a militia and navy require it. He should likewise command the navy and militia, and have power to march the latter any where within the state. Was this territory so situated, that the militia could not be marched out of it; without entering into an enemy's country, he should have no power to march them out of the state. But the late province of Main militia must march through New-Hampshire to enter Massachusetts, and so, on the contrary. The neighbouring states are all friends and allies, united by a perpetual confederacy. Should Providence or Portsmouth be attacked suddenly, a day's delay might be of most pernicious consequence. Was the consent of the legislative body, or a branch of it necessary, a longer delay would be unavoidable. Still the Governor should be under a controul.

Let him march the militia without the state with the advice of his privy council, and his authority be continued ten days and no longer, unless the legislative body in the mean time prolong it. In these ten days he may convene the legislative body, and take their opinion. If his authority is not continued, the legislative body may controul him, and order the militia back. If his conduct is disapproved, his reputation, and that of his advisers is ruined.—He will never venture on the measure, unless the general good requires it, and then he will be applauded. Remember the election of Governor and council is annual. But the legislative body must have a check upon the Captain-general. He is best qualified to appoint his subordinate officers, but he may appoint improper ones.—He has the sword, and may wish to form cabals amongst his officers, to perpetuate his power. The legislative body should therefore have a power of removing any militia officer at pleasure.—Each branch should have this power. The Captain-general will then be effectually controuled. The Governor with his privy council, may also appoint the following executive officers, viz.—The Attorney-general and the Justices of the Peace, who shall hold their places during good behaviour. This misbehaviour shall be determined by the senate on the impeachment of the house. On this scheme a mutual check is thus far preserved in both the powers. The supreme executive officer, as he is annually removeable by the people, will for that, and the other reasons formerly mentioned, probably appoint the best officers: and when he does otherwise, the legislative power will remove them. The militia officers which are solely appointed, and removeable at pleasure, by the Governor, are removeable at pleasure, by either branch of the legislative.

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Those executive officers which are removeable only for misbehaviour, the consent of the privy council, chosen by the legislative body, is first necessary to their appointment, and afterwards they are removeable by the senate on the impeachment of the house. We now want only to give the executive power a check upon the legislative, to prevent the latter from encroaching on the former, and stripping it of all its rights. The legislative in all states hath attempted it where this check was wanting, and have prevailed, and the freedom of the state was thereby destroyed. This attempt hath resulted from that lust of domination, which in some degree influences all men, and all bodies of men. The Governor therefore with the consent of the privy council, may negative any law, proposed to be enacted by the legislative body. The advantages which will attend the due use of this negative are, that thereby the executive power will be preserved entire—the encroachments of the legislative will be repelled, and the powers of both be properly balanced. All the business of the legislative body will be brought into one point, and subject to an impartial consideration on a regular consistent plan. As the Governor will have it in charge to state the situation of the government to the legislative body at the opening of every session, as far as his information will qualify him therefor, he will now know officially all that has been done, with what design the laws were enacted, how far they have answered the proposed end, and what still remains to compleat the intention of the legislative body. The reasons why he will not make an improper use of his negative are—his annual election—the annual election of the privy council, by and out of the legislative body. His political character and honour are at stake.—If he makes a proper use of his nega-

tive by preserving the executive powers entire, by pointing out any mistake in the laws, which may escape any body of men through inattention, he will have the smiles of the people. If, on the contrary, he makes an improper use of his negative, and wantonly opposes a law that is for the public good, his reputation, and that of his privy council are forfeited, and they are disgracefully tumbled from their seats. This Governor is not appointed by a King, or his ministry, nor does he receive instructions from a party of men, who are pursuing an interest diametrically opposite to the good of the state. His interest is the same with that of every man in the state; and he knows he must soon return, and sink to a level with the rest of the community.

The danger is, he will be too cautious of using his negative for the interest of the state. His fear of offending may prompt him, if he is a timid man, to yield up some parts of the executive power. The Governor should be thus qualified for his office.—He shall have been an inhabitant of the state for four years next preceding his election, and paid public taxes those years.—Let the state tax assessed upon his estate those years be, upon an average, at the rate of sixteen pounds in an hundred thousand annually.

The Lieutenant-governor should have the same qualifications that are required from the Governor. In the absence out of the state of the Governor and Lieutenant-governor, or on their deaths, or while an impeachment is pending against them, or in case neither should be chosen at the annual election, let the executive power devolve upon the privy council until the office is again filled. By ascertaining in this way the qualification required from the Governor in point of property, and from the other servants of the state, of whom a qualification in point of property is required,

required, that ambition which prompts a man to aspire to any of these offices or places will benefit the state, as the public tax he pays will be one criterion of his qualification. By electing the Governor in this manner, he hath the major voice of the people, and bribery or undue influence is impracticable. The privy council have also the major voice of the people, as they are chosen by a majority of the representatives: they are also selected from the senate, which it is to be presumed, will be composed of some of the best men in the state. As a further security against any inconvenience resulting from the length of time a Governor may hold the chair, no man ought to be a Governor more than three years in any fix. There ought also, as soon as the circumstances of the state will admit of it, to be a gradation of officers, to qualify men for their respective departments—a rotation also of the senators will prevent any undue influence a man may acquire by the long possession of an important office. After a period of six years let the following rules be observed. Let no man be eligible as Governor (or Lieutenant-governor) unless he has had a seat in the senate or privy council for two years, or hath formerly been Governor or Lieutenant-governor. Let no man be eligible as senator, unless he has had a seat in the house, senate, or privy council, the preceding year.—And let one fourth of the senate (which for this purpose is to include the privy council) be annually made ineligible to the rank, for two years; and let this fourth part be ascertained by lot. This lot, together with the provisions just mentioned, will introduce a rotation in the chair, privy council, senate and house: and the state will have a sufficient number of its members qualified for these important offices, by the gradation established. These servants

of the state should have competent and honourable stipends; not so large, as will enable them to raise a fortune at the expence of the industrious classes of the people; nor so small, that a man must injure his estate by serving the public. An inadequate salary would exclude from service, all but the vainly ambitious; and the ambitious man will endeavour to repay himself by attempting measures which will hazard the constitution.—These stipends should be paid out of the public treasury, and the Governor's should be made certain upon fixed principles, otherwise the legislative body could starve him into a state of dependence.

There still remain some other officers to be elected.—Let the legislative choose the delegates for Congress, and the Receiver-general and Commissary-general, and let each branch have a right to originate or negative the choice.

Let the following officers, who may be considered as county officers, be thus elected.—Let each county convention every three years choose the Sheriff, Coroners, and County Registers; and let that convention annually choose a County Treasurer, and a Deputy Attorney-general, to prosecute on behalf of the state at the court of sessions, in the absence of the Attorney-general.

Let us also consider in whose hands the power of pardoning should be lodged. If the legislative body or a branch are entrusted with it, the same body which made, or were concerned in making the law, will excuse the breach of it. This body is so numerous, that most offenders will have some relation or connexion with some of its members, undue influence for that reason may take place, and if a pardon should be issued improperly, the public blame will fall upon such numbers, it would not have the weight of a feather; and

and no conviction upon an impeachment could follow.—The House would not impeach themselves, and the Senators would not condemn the Senate. If this power of pardoning is lodged with the Governor and Privy Council, the number is so small, that all can personally inform themselves of the facts, and misinformation will be detected. Their own reputation would guard them against undue influence, for the censure of the people will hang on their necks with the weight of a mill-stone—and impeachments will stare them in the face, and conviction strike them with terror. Let the power of pardoning be therefore lodged with the Governor and Privy Council.

The right of convening, adjourning, and dissolving the legislative body deserves consideration. The Constitution will make provision for their convention on the last Wednesday in May, annually. Let each branch of the legislative have power to adjourn itself for two days.—Let the legislative body have power to adjourn or prorogue itself to any time within the year. Let the Governor and Privy Council have authority to convene them at pleasure, when the public business calls for it, for the assembling of the legislative body may often be necessary, previous to the day which that body had adjourned or prorogued itself, as the legislative body when dispersed cannot assemble itself. And, to prevent any attempts of their voting a continuance of their political existence, let the Constitution make provision, that some time in every year, on or before the Wednesday preceding the last Wednesday in May, the Governor shall dissolve them. Before that day, he shall not have power to do it without their consent.

As the principles which should govern in forming the judicial power have been already mentioned, a few

observations only are necessary to apply those principles.

Let the judges of the common law courts, of the Admiralty, and probate, and the register of probate, be appointed by the Governor and Privy Council; let the stipend of these judges be fixed; and let all those officers be removeable only for misbehaviour. Let the Senate be the judge of that misbehaviour, on impeachment of the House.

The Committee have now completed the general out-lines of a constitution, which they suppose may be conformable to the principles of a free republican government.—They have not attempted the description of the less important parts of a constitution, as they naturally and obviously are determinable by attention to those principles.—Neither do they exhibit these general out-lines, as the only ones which can be consonant to the natural rights of mankind, to the fundamental terms of the original social contract, and to the principles of political justice; for they do not assume to themselves infallibility. To complete the task assigned them by this body, this constitution is held up in a general view, to convince us of the practicability of enjoying a free republican government, in which our natural rights are attended to, in which the original social contract is observed, and in which political justice governs; and also justify us in our objections to the constitution proposed by the convention of this State, which we have taken the liberty to say is, in our apprehension, in some degree deficient in those respects.

To balance a large society on republican or general laws, is a work of so great difficulty, that no human genius, however comprehensive, is perhaps able, by the mere dint of reason and reflection, to effect it. The penetrating and dispassionate judgments

ments of many must unite this work ; experience must guide their labour ; time must bring it to perfection : and the feeling of inconveniencies must correct the mistakes which they will probably fall into, in their first trials and experiments.

The plan which the preceding observations were intended to exhibit in a general view is now completed. The principles of a free republican form of government have been attempted, some reasons in support of them have been mentioned, the outlines of a constitution have been delineated in conformity to them, and the objections to the form of government proposed by the general convention have been stated.

This was at least the task enjoined upon the Committee, and whether it has been successfully executed, they presume not to determine. They aimed at modelling the three branches of the supreme power in such a manner, that the government might act with the greatest vigour and wisdom, and with the best intentions.—They aimed that each of those branches should retain a check upon the others, sufficient to preserve its independence.—They aimed that no member of the state should be controuled by any law, or be deprived of his property, against his consent.—They aimed that all the members of the state should enjoy political liberty, and that their civil liberties should have equal care taken of them—and in fine, that they should be a free and an happy people.—The Committee are sensible, that the spirit of a free republican constitution, or the moving power which should give it action, ought to be political virtue, patriotism, and a just regard to the natural rights of mankind. This spirit, if wanting, can be obtained only from that Being, who infused the breath of life into our first parent.

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The Committee have only further to report, that the inhabitants of the several towns who deputed delegates for this convention, be seriously advised, and solemnly exhorted, as they value the political freedom and happiness of themselves and of their posterity, to convene all the freemen of their several towns in town meeting, for this purpose regularly notified, and that they do unanimously vote their disapprobation of the constitution and form of government, framed by the convention of this state ; that a regular return of the same be made to the Secretary's office, that it may there remain a grateful monument to our posterity of that consistent, impartial, and persevering attachment to political, religious, and civil liberty, which actuated their fathers, and in defence of which, they bravely fought, cheerfully bled, and gloriously died.

The above report being read was accepted.

Attested,

PETER COFFIN,
Chairman.

From the LONDON GAZETTE.

Admiralty-Office, March 12, 1782.

This morning Captain Henry Edwin Stanhope, late of his Majesty's ship the *Russel*, arrived here from Rear Admiral Sir Samuel Hood, Bart. with a letter to Mr. Stephens, dated Barfleur, Basse-Terre Road, the 7th of last month, of which the following is an extract :

The design of the Comte de Grasse was most undoubtedly against Barbadoes, could we have got to windward ; but, failing of that, owing to strong easterly winds, and a lee current, he bent his course to this island.

The moment his views were made known to me, I quitted Carlisle Bay, and got off English Harbour, with all the haste in my power ; where I could only hear of a formidable attack be-

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ing made upon St. Christopher's, without any certain information either of the enemy's sea or land force. I anchored at St. John's Road, and the Prudent having joined me, I sailed on the 23d in the evening with 22 sail of the line, and was close off the south-east end of Nevis at day-light next morning, when I directed the squadron to be formed in order of battle, with a design of attacking the enemy at anchor, if I saw it practicable to any advantage; but the signal for the line a-head was no sooner thrown out than Rear-Admiral Drake made that for speaking with me, and brought to; I did the same, and soon learnt he only repeated the signal of the Alfred in the rear; and that that ship had run on board the Nymph, and almost cut her asunder. It was reported to me, each had received so much damage as to be unable to keep the sea. I immediately ordered a survey on both, and was happy to find the Alfred could be put in a state for present service in the course of the day and following night; but that the Nymph could not. I therefore shifted the troops she had on board to another frigate, and ordered her to English harbour, where she arrived safe. This misfortune to the Alfred, obliged me to remove her from being the leading ship, into the center of my line, and to place the St. Albans in her room. That morning the look-out frigate a-head fell in with and took a very large King's cutter of 16 six-pounders, but seven months old, and commanded by a Knight of Malta: she is named L'Espion; she came from Martinique about thirty hours before, and was full of shells and other ordnance stores. In the afternoon the Comte de Grasse quitted this road, and kept a few miles to Leeward of me the whole night,

At day light we plainly discovered 33 sail of the enemy's ships, 29 of which of two decks formed in a line a-head. I made every appearance of an attack, which threw the Comte de Grasse a little from the shore; and as I thought I had a fair prospect of gaining the anchorage he left, and well knowing it was the only chance I had of saving the island, if it was to be saved, I pushed for it, and succeeded, by having my rear and part of the center engaged.

The enemy gave a preference to Commodore Affleck; but he kept up so noble a fire, and was so supported by his seconds, Captain Cornwallis and Lord Robert Manners, that the loss and damages sustained in those ships were very trifling, and they very much preserved the other ships in the rear. The Prudent had the misfortune to have her wheel shot to pieces the first broadside, which occasioned her loss to exceed that of any other ship.

Would the event of a battle have determined the fate of the island, I would, without hesitation, have attacked the enemy, from my knowledge how much was to be expected from an English squadron, commanded by men, amongst whom is no other contention than who should be most forward in rendering services to his King and country; herein I placed the utmost confidence, and should not, I fully trust, have been disappointed.

I anchored his Majesty's squadron in a close line a-head; but Commodore Affleck having acquainted me that the Bedford had driven off the bank, I ordered her into the van.

Next morning, about eight o'clock, I was attacked from van to rear, with the whole force of the enemy, (29 sail) for nearly two hours, without having the least visible impression made upon my line. The French ships then wore, and stood off again, and

and in the afternoon began a second attack upon my center and rear, with no better success than before: since which the Comte de Grasse has kept at a safe distance. Many of the French ships must have suffered very considerably, and the Ville de Paris was upon the heel all the next day, covering her shot holes.

By information from the shore, the French ships have sent to Eustatius upwards of 1000 wounded men.

I think my situation perfectly secure here against the enemy's present force, superior as it is; and am happy to find, by a letter I have received from Governor Shirley, that Brimstone-Hill, to which his Excellency retired, is in the most perfect security. I have not a thought of moving, and think the Comte de Grasse will not venture to attack me again, unless he should attempt something by fire-vessels, which I am prepared against as much as possible: If therefore Brimstone-Hill can hold out, which I have not a doubt of, the Marquis de Bouille, (who landed with 8000 men upon the island) as well as the Comte de Grasse, will, I think, be glad to retire. When I sent an officer to Brimstone Hill, he was accompanied by one from General Prescott, (who embarked with the 28th regiment, and two companies of the 13th, from Antigua, at my request, knowing well Brimstone Hill and every part of the island) who brought the following message from that brave old soldier General Frazer: "That as he had taken the trouble to come with troops to his assistance, he should doubtless be glad of the honour of seeing him; but that he was in no want of him or his troops." Upon my being made acquainted with this spirited message from General Frazer, I proposed to General Prescott his taking a post on shore in the vicinity of Basse Terre, and offered to land two battalions of

marines, of 700 each, rank and file, with the 69th regiment, which with the 28th regiment and the two companies of the 13th, would make a body of 2400 men: his answer was, he did not think it practicable to maintain a post, but was sanguine in his wishes to be put on shore, with his Antigua troops and the 69th regiment. They were accordingly landed on the 28th, immediately got into action, and drove the enemy with considerable loss. He remained on shore all night, and next morning the Marquis de Bouille appeared at the head of upwards of 4000 men; but not caring to attack General Prescott, on a hill he possessed just to the eastward of Frigate Bay, where he landed, led his troops back to his encampment under Brimstone Hill: and as it then appeared to me, that no solid purpose could be answered by the continuance of our troops on shore, I submitted it to the General's consideration, whether it would not be advisable to reim-bark, and he readily concurring, all were taken off that evening without the loss of a man. The General had about forty killed and wounded in his skirmish with the Irish brigade.

General Skeene landed with the 69th regiment, and had his full share in putting the enemy to the rout.

All communication being now cut off with Brimstone Hill, I thought it expedient, as did the General also, to send him and the Antigua troops back, and they sailed in the Convert and Fortune on the 1st inst.

On that day the Tisiphone joined me, and I propose shall return to England with an account of the situation of things here, which I think of importance their Lordships should know.

I send the copy of my line of battle, and an account of the killed and wounded. I have much pleasure in telling you his Majesty's ships under my command are very imma-

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terially injured in their masts and yards, perfectly healthy, and the people in high spirits.

The Comte de Graffe appears one day with 32 two-decked ships (the

whole of the present force in this country), and another with only 29, so that I imagine two or three are constantly watering at Old Road.

The following are copies of Sir SAMUEL HOOD's line of battle, and of his accounts of the number of men killed and wounded in each of the ships under his command.

LINE of BATTLE.

The St. Alban's to lead on the Starboard, and the America on the Larboard Tack.

VAN DIVISION.

Francis Samuel Drake, Esq. Rear Admiral of the Blue, &c.

Ships.	Commanders.	Guns.	Men.
St. Alban's,	Capt. Inglis,	64	500
Alcide,	— Thompson,	74	600
Intrepid,	— Molloy,	64	500
Torbay,	— Gidoin,	74	600
Princessa,	{ Rear Admiral Drake, }		
	{ Capt. Knatchbull, }	70	577
Prince George,	— Williams,	96	750
Ajax,	— Charrington,	74	550

Eurydice frigate to repeat.

CENTER DIVISION.

Sir Samuel Hood, Baronet, Rear Admiral of the Blue, &c.

Prince William,	Capt. Wilkinson,	64	500
Shrewsbury,	— Knight,	74	600
Invincible,	— Saxton,	74	600
Barfleur,	{ Sir Samuel Hood, Bart. }		
	{ Capt. Hood, }	90	767
Monarch,	— Reynolds,	74	600
Belliqueux,	Lord Cranston,	64	500
Centaur,	Capt. Inglefield,	74	650
Alfred,	— Bayne,	74	600

La Nymphe frigate—Gros Islet schooner—Expedition schooner—Champion to repeat.

REAR DIVISION.

Edmund Affleck, Esq. Commodore, &c.

Russel,	Capt. Stanhope,	74	600
Resolution,	Lord R. Manners,	74	600
Bedford,	{ Commodore Affleck, }		
	{ Captain Graves, }	74	717
Canada,	Hon. W. Cornwallis,	74	600
Prudent,	Capt. Barclay,	64	500
Montagu,	— Bowen,	74	600
America	— Thompson,	64	500

Solebay frigate and Sybil to repeat.

All accidental frigates to be to windward of the center division.

Given under my hand, on board his Majesty's ship Barfleur, at sea,
January 24, 1782.

SAM. HOOD.

Return of killed and wounded on board his Majesty's ships under-mentioned, in action with the French fleet on the 25th and 26th of January, 1782.

Ships Names. Killed. Wounded.

St. Alban's	- 0	0
Alcide	- 2	4
Intrepid	- 2	0
Torbay	- 0	0
Princessa	- 2	4
Prince George	- 1	3
Ajax	- 1	12
Prince William	0	3
Shrewsbury	- 3	7
Invincible	- 0	2
Barfleur	- 9	24
Monarch	- 2	2
Belliqueux	- 5	7
Centaur	- 0	12
Alfred	- 2	20
Ruffel	- 8	29
Resolution	- 5	11
Bedford	- 2	15
Canada	- 1	12
Prudent	- 18	36
Montagu	- 7	23
America	- 1	17
Champion	- 1	1

Total 72 244

Officers killed.

Mr. Charles Martin, Master of the Resolution.

Mr. John Chartes, Master of the Prudent.

Officers wounded.

Lieutenant Elliot, of the Ajax.

Lieutenant Forster, of Marines, Centaur.

Lieutenant Patey, of the Montagu.

Mr. Raven, Master of the Montagu.

Capt. Strickland, of Marines, Prudent.

Lieut. Griffiths, of Marines, Prudent.

SAM. HOOD.

Return of killed and wounded of his Majesty's 69th regiment, on the 28th of Jan. 1782.

Killed.—Captain Ross, 1 serjeant, 6 rank and file.

Wounded.—Captain Cunningham, Lieutenants Brown and Clark, Ensign Chambers, 1 serjeant, 21 rank and file. SAM. HOOD.

From the LONDON GAZETTE.

Admiralty-office, March 19, 1782.

Extract of a letter from Rear-Admiral GRAVES, to Mr. STEPHENS, dated on board his Majesty's ship London, Port Royal Harbour, Dec. 20, 1781.

Be pleased to acquaint the Lords Commissioners of the Admiralty, that I sailed from the Bar of New-York, in the London, the 10th of November, and arrived at Antigua the 6th of December, to put on shore my prisoners, having taken on the passage a French ship called the Inprieux, of 800 tons, 38 guns, and 319 men, from Cadiz for Philadelphia, laden with salt, some arms, cannon, and mixed goods, besides medicines. The 9th I sailed from Antigua, and arrived at Jamaica the 17th.

Enclosed you will receive a list of the prizes taken by the cruizers on the North-American station, between the 20th of August and 31st of October, being the most correct account I have been able to obtain.

List of prizes received with the aforementioned letter.

Taken by the Chatham. Magicienne, 800 tons, 280 men, 36 guns; Polly, 450 tons, 21 men, 10 guns, in ballast; General Monk Privateer, 250 tons, 94 men, 22 guns; Defence, 180 tons, 65 men, 18 guns, laden with brandy, &c. Admiral Durell, 180 tons, 7 men, with wine; Friendship, 150 tons, 8 men, with Indian corn; Eagle, 140 tons, 9 men, with fish and lumber; Isabella, 60 tons, 4 men, with deals; Two Friends, 45 tons, 5 men, with fish; Dove, 30 tons, 6 men, with tobacco.

By the General Monk, &c. Salem-Packet,

Packet, 100 tons, 23 men, 12 guns, with silks.

By the *Amphitrite*. Experiment Privateer, 300 tons, 90 men, 22 guns; Endeavour, 70 tons, 8 men, with beef, pork, &c. Union, 100 tons, 9 men, with ditto; St. John, 90 tons, 10 men, with plank; Minerva, 95 tons, 10 men, with tobacco; Dolphin, 100 tons, 11 men, with plank; Nero, with tobacco; Revenge Privateer, 40 tons, 30 men, 8 guns.

By the *Bellifarius*. ———, with 500 barrels of beef and 400 casks of butter.

By the *Gaillard* and *Warwick*. Greyhound Privateer.

By the *Pearl*. Long Splice, 30 tons, 5 men, with wine; Eleanor, 70 tons, 8 men, with indigo; Friendship, 100 tons, 10 men, with cordage; Senegal Privateer, 50 tons, 29 men, 8 guns.

By the *Carysfort*. ———, 500 tons, 60 men, 6 guns, with malts, &c.

By the *Pegasus* and *Rattlesnake*. Deane privateer, 160 tons, 110 men, 16 guns.

By the *Solebay*. Dan, 300 tons, 18 men, 8 guns, with wine.

By the *Nympe* and *Amphion*. Royal Louis privateer, 450 tons, 188 men, 22 guns; Molly, 100 tons, 18 men, with tobacco; Lexington, 85 tons, 10 men, with wine; Ramble privateer, 90 tons, 48 men, 10 guns; Racoon, 50 tons, 10 men, with flour; Lively Buckskin, 70 tons, 11 men, with salt.

By the *Amphion*. Juno, 120 tons, 40 men, 8 guns, with sugar and rum.

By the *Medea*. Favorite privateer, 150 tons, 100 men, 18 guns.

By the *Fortunée*. Felicity privateer, 10 tons, 20 men, 6 guns.

By the *Iris*. Jolly Tar letter of marque, 125 tons, 30 men, 10 guns, laden with flour; Samuel, 200 tons, 11 men, with rum and sugar.

By the *Solebay*. Savage, 300 tons, 30 men, 16 guns.

From the LONDON GAZETTE.

Copy of a letter from the Hon. General MURRAY, Governor of Minorca, to the Earl of HILLSBOROUGH, one of his Majesty's principal Secretaries of State. Received by Captain DON, March 19.

Minorca, Feb. 16, 1782.

MY LORD,

I have the honour to acquaint your Lordships that Fort St. Philip's was surrendered to his Catholick Majesty the 5th instant. The capitulation accompanies this. I flatter myself all Europe will agree the brave garrison shewed uncommon heroism, and that thirst for glory, which has ever distinguished the troops of my Royal Master. Our necessary guards required four hundred and fifteen men, the night before the capitulation; the whole number able to carry arms amounted to six hundred and sixty only, of course there were none for piquet, and a defect of one hundred and seventy to relieve the guards, as is evident by the returns. The most inveterate scurvy which I believe ever has infected mortals reduced us to this situation. The reports of the Faculty fully explain the dreadful havock it made, and that three days further obstinacy on my part must have inevitably destroyed the brave remains of this garrison, as they declare there was no remedy for the men in the hospitals, but vegetables; and that of the six hundred and sixty able to do duty, five hundred and sixty were actually tainted with the scurvy, and in all likelihood, would be in the hospitals in four days time. Such was the uncommon spirit of the king's soldiers, that they concealed their disorders and inability, rather than go into the hospitals; several men died on guard, after having stood centry; their fate was not discovered till
called

called upon for the relief, when it came to their turn to mount again. Perhaps a more noble, nor a more tragical scene, was never exhibited, than that of the march of the garrison of St. Philip's through the Spanish and French armies. It consisted of no more than six hundred old, decrepid soldiers, two hundred seamen, one hundred and twenty of the royal artillery, twenty Corsicans, and twenty-five Greeks, Turks, Moors, Jews, &c. The two armies were drawn up in two lines, the battalions fronting each other, forming a bay for us to march through: they consisted of fourteen thousand men, and reached from the glacis to Georgetown, where our battalions laid down their arms, declaring they had surrendered them to God alone, having the consolation to know, the victors could not plume themselves in taking an hospital.—Such was the distressing figures of our men, that many of the Spanish and French troops are said to have shed tears as they passed them: the Duke de Crillon and the Baron de Falkenhayen declare it is true: I cannot aver this, but think it was very natural: for my own part, I felt no uneasiness on this occasion, but that which proceeded from the miserable disorder which threatened us with destruction. Thanks to the Almighty my apprehensions are now abated; the humanity of the Duke de Crillon (whose heart was most sensibly touched by the misfortunes of such brave men) has gone even beyond my wishes in providing every thing which can contribute to our recovery. The Spanish as well as the French surgeons attend our hospitals. We are greatly indebted to the Baron de Falkenhayen, who commands the French troops. We owe infinite obligations to the Count de Crillon; they can never be forgot by any of us. I hope this young man never will command an army against my

Sovereign, for his military talents are as conspicuous as the goodness of his heart.

Lists of the killed and wounded, with the number of our guns which were destroyed by the enemy's battering artillery, which consisted of 109 pieces of cannon and 36 mortars, are inclosed. I shall wait here until I see the last man of my noble garrison safely and commodiously embarked. If my accompanying them in a transport to England could be of the smallest service to any of them, I would cheerfully go with them by sea; but as I can be of no further use to them after they are on board ship, I trust his Majesty will approve of my going to Leghorn to bring home with me my wife and my children, who fled to Italy in the evening of the day the Spanish army landed on the Island.

My Aid de Camp, Capt. Don, will have the honour to present this letter to your Lordship; he is well acquainted with the most minute circumstance relative to the siege, is an intelligent, distinguished officer, and is furnished with copies of all the papers I have, which he will lay before your Lordship, if requisite.

The Captains Savage, Boothby, and Don, of the 51st regiment, Lieutenant Mercier, of ditto, Lieutenant Botticher, of Goldacker's regiment, and Lieutenant Douglas the engineer, are exchanged for the officers we made prisoners at Cape Mola.

Colonel Pringle and his nephew Lieutenant Pringle are to be left hostages until the transports return agreeable to the capitulation.

I have the honour to be, with great truth and regard,

My Lord,
Your Lordship's most obedient
and most humble servant,

J. A. MURRAY.

P. S. It would be unjust and ungrateful was I not to declare, that
from

from the beginning to the last hour of the siege, the officers and men of the royal regiment of artillery, and likewise the seamen, distinguished themselves; I believe the world cannot produce more expert gunners and bombadiers than those who served at this siege, and I am sure the sailors shewed uncommon zeal. It is necessary likewise to declare, that no garrison was ever nourished with better salt provisions of all kinds, than we had sent us from England; fresh vegetables we could not have; but we had plenty of pease, good bread and rice, with currants and raisins; and lest in the fort six months full allowance of all kinds, although a magazine, containing six months more, was burnt by the enemy's shells.

J. A. MURRAY.

ARTICLES of CAPITULATION proposed by his Excellency the Honourable JAMES MURRAY, Lieutenant-general of his Britannick Majesty's forces Colonel of the 13th regiment of foot, Captain general, and Commander in Chief of Fort St. Philip's, to his Excellency LOUIS BERTON DE BALLS, Duc de CRILLON, Lieutenant-general of the French and Spanish forces, and Commander in Chief of the combined army.

St. Philip's Castle, Feb. 4, 1782, at nine o'clock in the morning.

ART. I. That all acts of hostility shall cease till the articles of capitulation are agreed upon and signed.

ART. II. That the garrison upon their surrender, shall be allowed all the honours of war, viz. To march out with shouldered arms, drum beating, colours flying, twenty-four round per man, matches lighted, four pieces of cannon, two mortars, with twenty-four rounds of ammunition for each piece, four covered boats not to be searched upon any account.

ART. III. That the whole gar-

rison, comprehending all his Britannic Majesty's subjects, civil as well military, and the Corsican corps and Greeks, &c. shall have all their baggage and effects secured to them, with leave to move or dispose of it as they shall think proper; and that his Britannic Majesty's subjects serving in the garrison, who possessed houses and grounds in Mahon and George Town, shall have leave to dispose of them to any of his Catholic Majesty's subjects.

ART. IV. That the garrison, including officers, artificers, soldiers, and other British subjects and their families, shall be provided with convenient transports, at the rate of one ton and a half per man, and to be carried to the first port in Great-Britain, and landed there as soon as they arrive, at the expence of the Crown of Spain; and that provisions shall be allowed to them, out of such as remain in the magazines of the garrison at its surrender, for the time they remain in the island, and for their voyage by sea for ten weeks, in the same proportion as they now receive it; and the officers with their families, who have the Governor's permission, shall have passports granted to them, to go to England or Germany by land: that the Corsicans, Greeks, &c. now serving in the garrison, who do not exceed 70 men, shall be transported to Leghorn, and landed there likewise, at the expence of the Crown of Spain, but their provisions for the passage to be taken from the magazines of the garrison. That the transports are to be provided, for the accommodation of the troops during the voyage, with the bedding of the garrison. That a proper hospital for the sick and wounded, during the time that the transports are getting ready, (which time shall not exceed one month from the signing of this) shall be provided; and such as may not then

then be in a condition to embark, shall be allowed to stay behind, and be properly taken care of, till they shall be able to be sent to Great-Britain by another conveyance.

ART. V. That while the garrison continues in the island, permission shall be granted to purchase vegetables and fresh meat in the markets; for the sick in the hospitals.

ART. VI. Until the garrison quits the place, it shall not be permitted to corrupt the soldiers, and try to make them desert from their regiments, and the officers shall have access to them at all times; for which purpose no communication betwixt the soldiers of his Catholic Majesty and the troops of the garrison shall be admitted of.

ART. VII. That exact discipline shall be kept up on both sides.

ART. VIII. That the four inhabitants of the island, viz. Paul Guiard, Marc Reure, Michael Amengual, and Lewis Roca, who have joined in the defence of the garrison shall be permitted to remain and enjoy their properties in the island unmolested.

ART. IX. That all prisoners of war made since the landing of the Spanish army, shall be delivered up on both sides.

ART. X. Hostages being delivered on both sides, for the faithful execution of the preceding conditions, his Excellency the Hon. Lieutenant-general Murray consents to deliver up the place, with all the military stores and ammunition, cannon, and mortars, except what is reserved in the second article, to his Catholic Majesty; likewise to direct that all mines and under-ground works shall be shewn to his Catholic Majesty's engineers: plans of the galleries, mines, and other subterraneous works, shall be likewise delivered up.

(Signed)

J. A. MURRAY.

VOL. XIII.

DUC DE CRILLON's *Answer to General MURRAY's first proposal.*

The order which I have from my Court forbidding me to listen to any capitulation, except under the express condition, that the garrison of Fort St. Philip's shall be prisoners of war, I am under the obligation to return his Excellency General Murray the articles which he proposes to me; but I am very sorry I have not an opportunity to make known to him my desire for the preservation of his men, and particularly the esteem with which his person and brave garrison have inspired me.

B. B. DUKE DE CRILLON.

Mahon, February 4, eleven o'clock in the morning.

FURTHER ARTICLES of CAPITULATION, proposed by his Excellency General MURRAY to his Excellency the DUKE DE CRILLON, dated Fort St. Philip's, Feb. 2, 1782, at eight o'clock at night, he having objected to those formerly sent to him: with the Answers of the DUKE DE CRILLON to the last Articles proposed by General MURRAY, dated Mahon, Feb. 4, 1782, at ten at night.

ART. I. As his Excellency the Duke de Crillon, by the express orders of his Sovereign, cannot receive the garrison but as prisoners of war, his Excellency the Hon. Lieutenant-general James Murray consents to surrender the garrison agreeable to the Duke de Crillon's instructions from his Court, but he expects the Duke de Crillon will allow the garrison to march out of it with all the honours of war he has required in the second article of those sent to the Duke, which is by no means incompatible with his Excellency's instructions, and will tend more to his glory, for certainly no troops ever gave greater proofs of heroism than this poor worn-out garrison of St. Philip's Castle, who have defended themselves almost to the last man.

I i

Answer.

Answer. The garrison shall be prisoners of war; but, in consideration of the constancy and valour which General Murray and his men have shewn in their brave defence, they shall be permitted to go out with their arms shouldered, drums beating, lighted matches, and colours flying, till having marched through the midst of the army, they shall lay down their arms and colours; and moreover, being desirous of giving a proof of my high esteem for the General, he shall be allowed a covered boat.

ART. II. General Murray desires the garrison may be allowed to return to England, prisoners of war, in transports furnished by the King of Spain, but paid for by the King of England; and that the troops shall be victualled, while they remain on the island, till the transports are got ready for them, and during the passage to Great-Britain, out of the stores of the garrison, at the same allowance for each man they have been accustomed to receive; the troops of the garrison are likewise to be allowed to take their bedding with them into the transports.

Answer. Granted.

ART. III. That the Corsicans, Greeks, &c. are to be transported to Leghorn, and likewise victualled out of the stores of the garrison, at the usual allowance. The transports at the expence of England.

Answer. Granted.

ART. IV. That the General thinks that the officers should follow the fate of their men, and therefore will not permit any officer to go home by land, but those whose health requires it: that his own will not admit of a long sea voyage, and therefore he hopes the Duke de Crillon will allow him and his suite to go to Marseilles, and from thence to England, for which purpose he has the King of France's passport.

Answer. Granted.

ART. V. That the Duke de Crillon may depend upon it, the garrison of Fort St. Philip's shall not serve during the war, unless they are regularly exchanged, or a cartel settled betwixt the belligerent powers, which may liberate them from the obligations of not serving during the war.

Answer. The confidence which I have in the honour of all the officers of the garrison of St. Philip does not suffer me to doubt of their keeping their promise not to serve against Spain and her allies, until they have been exchanged by Spain, either man for man, or by means of a cartel, in case any should be established by their Catholic and Britannie Majesties, for the officers shall be prisoners of war on their parole of honour, given in writing under their hands; with regard to the soldiers, a list of their names must be made out, their officers shall explain to them the obligation they have contracted of not serving during the war, till they have been exchanged, and shall warn them of the penalty of death they will be punished with, if guilty of breaking this obligation.

ART. VI. That the Duke de Crillon's known humanity leaves General Murray no doubt that his Excellency will be happy to allow vegetables and every possible refreshment, to be bought in the markets of the island, which can contribute to the recovery of the sick of the garrison.

Answer. Granted.

ART. VII. That he has as little doubt that his Excellency's generosity will not admit of allowing the officers, soldiers, and artificers of the garrison, to be plundered of their baggage, and maltreated by the besieging army; for which purpose he proposes to put the Duke de Crillon immediately in possession of Marlbro', Charles Fort, Queen's Redoubt, and the Kane Lunnette.

Answer. Granted.

ART. VIII.

ART. VIII. That the English garrison shall remain possessed of the other out-works till the day they embark ; and that no insults may be offered them by the Spanish soldiers.

Answer. The whole garrison shall early to-morrow morning quit the place, to be conducted to Alcot, where they shall remain till they are embarked, and every attention shall be paid them, which their defence and valour deserve.

ART. IX. Hostages to be delivered on both sides for the faithful performance of the preceding articles.

Answer. In consequence of the 2d and 3d preceding articles, which treat of the transports that are to be furnished by Spain, his Excellency General Murray shall name some principal officers, who shall remain as hostages till the return of the said transports.

Mahon, February 6, 1782.

(Signed) (Signed)

J. Murray. B. B. Duque de Crillon.
Le Baron de Falkenhayen, Mar. de
Camp, Comm. les
Troupes Franc.

Felix Buch.

El. Marq. de Casa Cogigal.

Dh. Orazio Borghese.

El Conde de Afuentes.

Return of the killed and wounded during the siege of Fort St. Philip's, from the 19th of August, 1781, to the 4th of February, 1782, inclusive.

Killed. 2 officers, 3 serjeants, 54 rank and file. Total 59.

Wounded. 15 officers, 10 serjeants, 124 rank and file. Total 149.

Killed. Marine corps. Lieutenants Davis and Crew.

Wounded. 51st reg. Colonel Pringle, Captain Savage, Lieutenants Fuller and Hull, Ensign Napier.

61st ditto. Captain Muet.

Goldacker's. Lieutenant Botticher.

Royal Artillery. Captain Fade, Lieutenants Lewis and Woodward.

Engineers. Lieutenants D'Arcy and Johnston.

Marine Corps. Captain Harman, lieutenant Hodges.

Corficans. Captain Colle.

Geo. Don, Adj. Gen.

State of the guns and mortars at St. Philip's Castle, Minorca, Feb. 5, 1782.

IRON GARRISON GUNS.

Nature of guns.	Serviceable.	Unserviceable.	Total.
Thirty-two pounders	10	14	24
Twenty-four ditto	1	2	3
Eighteen ditto	32	21	53
Twelve ditto	32	16	48
Nine ditto	46	6	52
Six ditto	34	19	53
Four ditto	1	—	1
Total	156	72	228

N. B. Three twenty-four pounders and three eighteen pounders were received from Mr. Robison.

IRON SHIP GUNS.

Minorca's { Nine pounders -	10	—	10
{ Six ditto -	1	—	1
Cornwallis's, six ditto -	19	1	20
Eagle's, four ditto -	12	2	14
Chance's, four ditto } and three ditto }	unfizeable	{ 2 2	4 0
Porcupine's three ditto -	2	2	4
St. Ant. de Padua, nine ditto	2	—	2
Total	46	9	55

M O R T A R S.

13 inches { Iron	2	2	4
{ Brads	2	—	2
8 Ditto -	7	1	8
5½ or royal ditto -	3	12	15
4 2-5ths or Cohorn ditto	4	16	20
Total	18	31	49

BRASS FIELD PIECES.

Light six-pounders,	17	5	22
Howitzers, { 8 Inch,	6	—	6
{ 4 2-5ths,	5	1	6
Total	28	6	34

Two travelling carriages unserviceable.

JACOB SCHALCH, Capt. R. Artillery F. O.

N. B. Many of the guns which are returned serviceable, have been struck by the enemies shot and shells, and may prove dangerous to be further used.

Most of the brass mortars, though returned serviceable, are run by frequent firing.

Hospital, St. Philip's Castle, Feb. 1,
1782.

SIR,

From the extraordinary increase of the sick in the garrison, and the little progress we make in reducing that evil, we judge it necessary, both on account of the public service, as well as our own credit; to inform your Excellency, that the prevailing disease, the scurvy, amongst the troops, is got to such an alarming height, as seems to us to

admit of no remedy in our present situation: every means has been tried to palliate this formidable malady, but the daily, and we may say, the hourly falling down of the men, baffles all our endeavours. The different returns of the sick will shew your Excellency the truth of this assertion; we are sorry to add, that it does not appear to us that any one now in the Hospital will be able to do the smallest duty under the present circumstances, where no vegetable

getable food is to be had, or free air.

We have the honour to be, &c.

(Signed)

George Monro, Physician General.

William Fellows, Surgeon General.

D. M'Neille, Surgeon to the Naval Hospital.

B. J. Grimschell, Surgeon, Prince Ernest's.

Rabille, Goldacker's.

S. Ford, Royal Artillery.

Jas. Hall, 51st regiment.

To his Excellency the Governor.

St. Philip's Castle, Feb. 1, 1782.

SIR,

From the representation made by the faculty of the increase of the sick, the Governor judges it necessary that the men who are even doing duty, should be examined by the faculty, and a report of the state of their health, particularly with regard to the scurvy, to be made to me, for his Excellency's information.

I am, Sir, &c.

(Signed)

GEO. DON, Adj. Gen.

Dr. Monro, Physician General,
and Director of the Hospital.

St. Philip's Castle, Feb. 3, 1782.

SIR,

Agreeable to his Excellency's orders, of the 1st inst. we have made a most careful examination, with respect to the health of the men doing duty; in consequence of which the inclosed return is transmitted for his Excellency's information. We judge it necessary to add, that those men, specified in the returns, will, in all probability, be in a few days incapable of performing any duty,

from the rapid progress the Scurvy makes among them: neither is it in our power to check this prevailing malady; the constant duty the men are to perform, the impossibility of procuring any kind of vegetables, in the present situation of affairs; to which we may add, the damp, foul air those men constantly breathe in the subterraneans, are causes sufficient to dread the consequences.

We have the honour, &c.

Geo. Monro, Physician General.

Wm. Fellows, Surgeon General.

D M'Neille, Surgeon to the Hospital.

John Red, Surgeon to the Hospital.

James Hall, Surgeon, 51st.

B. J. Grimschell, Surgeon, Prince Ernest's.

Rabille, Surgeon, Goldacker's.

To Capt. George Don, Adj. Gen.

Return of the scorbutic men (in the four regiments) now doing duty in the Garrison of St. Philip's, Feb. 3, 1782.

Corps.	No. of Men.		
51st regiment	—	—	120
61st ditto	—	—	111
Prince Ernest's 2d Battalion	—	—	153
Goldacker's	—	—	176

Total 560

Geo. Monro, Physician General.

Wm. Fellows, Surgeon General.

D. M'Neille, Surgeon to the Naval Hospital.

John Red, Surgeon to the Hospital.

James Hall, Surgeon, 51st regiment.

S. M'Cormie, Surgeon's Mate.

B. J. Grimschell, Surgeon, Prince Ernest's.

Rabille, Goldacker's.

Returns made by the Commanding Officers of the Four Regiments, of the number of men doing duty in each, of the number they furnish daily for guard, and of the number deficient for one relief.

Regiments.	No. of Men doing duty.	No. for guard.	No. deficient for one relief.
51st, —	158	86	14

61st,

51st, —	177	104	27
Pr. Ernest's 2d Battalion,	184	106	28
Goldacker's ditto,	247	129	11
	<hr/>	<hr/>	<hr/>
Total	766	415	80
	<hr/>	<hr/>	<hr/>

N. B. From the 1st instant to the 3d, 106 men were carried to the Hospitals, so there only remained doing duty 660.

Admiralty-Office, March 26, 1782.

Capt. Everitt, late of his Majesty's ship *Solebay*, arrived this morning at this Office, with dispatches to Mr. Stephens, from Rear-admiral Sir Samuel Hood, Bart. of which the following are extracts :

Barfleur at Sea, Feb. 22, 1782.

From the very strong assurances Governor Shirley gave me of Brimstone Hill being in a state of the most perfect security, and, from the spirited and encouraging message sent by Gen. Fraser to Gen. Prescott on the 24th of last month, I had not the smallest doubt of relieving the island, after I got possession of the enemy's anchorage at Basseterre Road; and the Governor having expressed a wish for an able sea-officer and a few seamen, I sent Captain Curgenvén and Lieut. Hare, late of the *Solebay*, who were eager volunteers, with thirty men in two boats, to endeavour to throw them into the garrison in the night. The oars were muffled, and every precaution used that not the least noise should be made to give an alarm; but upon putting the boats sterns to the shore, volley after volley of musquetry were fired at them, and they were obliged to return. Two nights after, the man I first sent upon the hill, and who Captain Curgenvén took with him, thought he could make his way alone to the garrison; he made the trial in a small canoe, but was forced to return, having been fired at from every part he attempted to land. On the same evening Lieutenant Fayhie,

of the *Ruffel*, was put on shore in Red Flag Bay, on the North-side of the island: Mr. Fayhie, knowing every accessible path to the hill, was sanguine in his hopes of being able to reach the garrison; but, after waiting two nights, found it impossible, and returned.

Upon the signal's being made from the hill, on the 8th, that the enemy's batteries had been successful in damaging the works and buildings, that the garrison was reduced, and short of ordnance stores, I was eager to make further trials to get an officer upon the hill; and Capt. Curgenvén again offering his service, as well as Capt. Bourne of the Marines, I sent them away that evening in a small boat, towed by another, near the place they expected to land; and after being on shore about ten minutes, Capt. Curgenvén returned and ordered the boats on board; but neither succeeded in reaching the garrison, and both were made prisoners in the different places.

About the time these officers left the *Barfleur*, Lieutenant Fayhie was again landed on the North-side of the island, being desirous of making another trial; but as he is not yet returned, and I have heard nothing from him, I conclude he was taken prisoner.

I was extremely desirous of getting an officer into the garrison, just to say, I was very confident the Comte de Grasse was weary of his situation; and as the Marquis de Bouillé was destroying every fort and magazine at Bassé Terre, and blew up their very foundations, I was persuaded

he

be despaired of success, and that if the Hill could hold out ten days longer, the island must be saved.

But I am much concerned to say, that Capt. Robinson, of the 15th regiment, in the evening of the 13th, came on board the *Barfleur*, to enquire for General Prescott, being charged with a letter for him from Governor Shirley and Gen. Fraser, acquainting him of their having surrendered the garrison to the arms of the French King that morning.

The information I got from Capt. Robinson is as follows: That he was sent from Monsieur St. Simon, at seven in the evening of the 12th, to propose a cessation of arms: at the same hour another officer was sent on the same errand to the Marquis de Bouillé; and so eager was the Marquis to get possession of the hill, that he granted all that was asked, and the terms were agreed to at his (Capt. Robinson's) return to the garrison at midnight. I enquired if no article was stipulated for my being made acquainted with the state of the garrison before the surrender took place? and to my very great surprise, was answered in the negative.

On the 14th the enemy's fleet anchored off Nevis, consisting of the *Ville de Paris*, six ships of 80 guns, twenty-three of 74, and four of 64; one of 64 was at Old Road, and another at Sandy Point: The *Triomphant* and *Bravé* had joined from Europe.

Under this situation of things, I had no longer any business in Basse-Terre Road, especially as the enemy were preparing to get guns and mortars upon a height, that would annoy the ships in the van; and I left it that night, unperceived I imagine, as not one of the enemy's ships was to be seen in the morning.

With so vast a superiority against me, I had nothing left to do but to join Sir G. Rodney as fast as I was

able; and as it was of very great importance to the King's service that I should carry his Majesty's Squadron to him in as perfect a state as possible, I judged it necessary, in order that every ship should be under sail as nearly as possible at the same moment, for the better preserving a compact body, to give directions for the Squadron to cut, in which Rear-admiral Drake most readily concurred, and thought highly expedient from the expectation there was of our being attacked; the enemy's being not more than five miles from us, and their lights very distinctly seen.

Except Governor Shirley's letter, and the message General Prescott's Officer brought from Gen. Fraser, of the 24th of last month, I never heard a syllable from Brimstone Hill, or from any one person in the island; and what is still more extraordinary to tell, the garrison in all probability could not have been reduced but for the 8 brass twenty-four cannon, two 13 inch brass mortars, 1500 shells, and 6000 twenty-four pound cannon balls, the enemy found at the foot of the Hill, which government had sent out, and which the inhabitants of the island would not give a proper assistance for getting up. For the enemies ship with the shells was sunk, and it was with difficulty more than four or five of a day could be fished up; and L'Espion, in which were all the shells that could be got at Martinique, was taken by one of my advanced frigates, close under Nevis, in the morning I first appeared off the island.

I understood the terms of the surrender have been founded on the Articles of Capitulation agreed upon at the reduction of Dominique: this is all I am able to tell you for their Lordships information; and I am far from meaning, in the most distant manner, to suggest that the garrison could

could have held out a single day longer, as I am told the works and buildings were a heap of ruins, and that no further defence could be made with the least probable prospect of success.

I anchored his Majesty's Squadron in St. John's Road on the 19th after sun-set, sailed again this noon to seek Sir George Rodney at Barbados, and get a supply of water. The *Fortunée* and *Pegasus*, which I left to watch the French fleet, have this instant joined, and report, that 36 sail of the line quitted *Basse-Terre* Road yesterday morning, with upwards of fifty sail of brigs, sloops and schooners, and steered for Martinique.

Extract of another letter from Sir SAMUEL HOOD, also dated Feb. 22, 1782.

Just as I was getting under sail from St. John's Road, I received the enclosed papers from Captain Day, of his Majesty's ship *Surprize*.

Surprize, Carlisle-Bay, Barbados, February 12, 1782.

SIR,

Lieutenant Thomas Edgar arrived here the 11th, at five in the afternoon, giving an account that a French Squadron had entered the river Demarara; and that our ships were gone up to Island. He was charged with dispatches from Fort Tabourden, which he has destroyed, but has delivered me a journal of his proceedings.

I am, &c.

GEO. DAY.

To Sir Samuel Hood, &c. &c. &c.

Extract from the journal transmitted in the letter afore-mentioned.

Friday the 1st of February, about two o'clock in the afternoon, a Mr. Bocker, a Dutchman, informed me, that Demarara had capitulated on Thursday the 31st, about three in the afternoon.

Richmond, (Virginia) Dec. 27. In General Assembly, Dec. 19.

Resolved, nem. con. That the executive power do cause to be purchased at the public expence, and presented to the Hon. Major-general Nathaniel Greene, two elegant geldings, as a small token of the high sense the General Assembly of Virginia entertain of the important services he hath rendered this state in particular, and to the United States in general.

Dec. 22. Resolved, That the conduct of Thomas Nelson, junior, Esq. late Governor of the Commonwealth, previous to, and during the siege of York, and the measures by him taken for the supply of the allied army with provisions and other necessaries, were absolutely necessary, and although not strictly legal, stand justified by the emergency of the occasion, ought to be approved by the legislature, and the said Thomas Nelson, jun. Esq. indemnified for the same.

Philadelphia, January 2.

Extract of a letter from Gen. HEATH, dated Head Quarters, Highlands, December 25, 1781.

"I have the honour of acquainting Congress, that on the night of the 23d instant, Capt. Williams, of the New York levies, who are doing duty on the lines of this post, with twenty-five volunteer horse, made an excursion to Morissania, took and brought off one captain, one lieutenant, and seven privates of the enemy prisoners, without any loss on our side. This enterprize was conducted much to the honour of Captain Williams, and the Volunteers who were with him. Captain Prichard of the regular troops, with a detachment of infantry, was sent down to cover the retreat of the horse if necessary, but the enemy did not attempt to pursue them."

Published by order of Congress,

CHARLES THOMSON, Sec.

Hagwu

Admiralty-Office, March 2, 1782.

Extract of a letter from Commodore JOHNSTONE to Mr. STEPHENS, dated on board the Diana, at Spithead, Feb. 28, 1782.

" I have the honour to acquaint you of my arrival at Spithead in his Majesty's frigate Diana, after a passage of eight days from Lisbon.

" We have brought Lieutenant Reid of the Romney, who commanded the Dankbaarheyt prize, taken in Saldannah-bay, together with Mr. Virgin, a Swedish officer, midshipman, and volunteer in the Jupiter, who was likewise saved from the said prize, together with John Doitman, John Belfour, Philip Hodge, George Lufignie, and Thomas Roe, William Richardson, William Boyer, and David Fell.—They report that the Dankbaarheyt, after losing all her masts on the 28th of January near the Channel, had the pumps choaked on the 29th, that she gradually filled with water to the upper deck, and was on the point of sinking on the 30th at dark, when they left her in a small boat during a hard gale of wind. That the crew had prepared a raft, and taken every precaution with coolness and active intrepidity; but from all circumstances, I can entertain little hopes that so many worthy men would survive.

The small boat was forced to keep right before the wind, which then blew from N. N. E. next morning at ten o'clock, after running about eighty miles to the Southward, the weather became temperate, and they were taken up by a Swedish brig bound to Leghorn, who was prevailed upon by a premium given by a bill, to run off the bar of Lisbon, and to send them into the Tagus by a fishing-boat, where we all endeavoured to communicate such comforts as so great misfortunes, and such manly perseverance have a right to command.

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Hague, Feb. 20.

" The previous opinions given by our Lords, the States of Holland and West Friesland, were presented on the 18th to the States-General. Their High Mightinesses declare, in the supposition of their conforming to the resolution taken by the province of Holland, " That their High Mightinesses adhering invariably, and in the strongest manner, to the answer which they gave to the Empress of Russia's Minister, when the first offer of mediation was made to them by her Imperial Majesty, they a second time announce, that, as their High Mightinesses have on their side accepted of the invitation of her Imperial Majesty, conformably to the ancient treaties between Great Britain and this republic, and the system of neutrality and free navigation, explained in the declaration of her Imperial Majesty of the 28th Feb. 1780, without permitting themselves to be swayed by any insinuations or menaces; and as it is their intention to adhere steadily to that system, they hope and believe with the fullest confidence, that the greatness of her Imperial Majesty's soul will not suffer any infringement to be made of that system, their High Mightinesses not doubting but that her Imperial Majesty is convinced, as well as themselves, with regard to the above-mentioned article of free navigation, that it is of such a nature, as not to admit of any alteration in the negotiations with the Court of London. That farther their High Mightinesses expect, that in case they should not be so fortunate as to conclude a peace under the mediation of her Imperial Majesty, and the other confederate powers, they will cause their High Mightinesses to enjoy the real effects of their solemn engagement.

" That on the parts of their High Mightinesses, this answer shall also be communicated to the other confederates

K k

confederates of the armed neutrality, and likewise to the courts of France and Spain, declaring to the two latter, that their High Mightinesses in accepting the mediation of Russia, have not the least intention of entering into engagements with the court of London, that will in any manner whatever be found to militate against the neutrality from which their High Mightinesses have never swerved, towards any of the belligerent powers.

“ That the arrangements in the assembly of their High Mightinesses be such, that in forming this answer, they may at the same time take, without separating the one from the other, the resolution of requesting his Serene Highness, in his station of Admiral General of the Union, to concert in the most convenient manner with the court of France, a plan for the naval operations of the next campaign, so as to annoy the common enemy in the most sensible manner, and by that means to force them, at last to propose honourable conditions of peace.”

Hague, Feb. 24. The affair of Field Marschal Duke Louis of Brunswick, having been once more agitated in the Assembly of the States of Holland and New Friesland, which their Noble and High Mightinesses have adjourned to the 6th of March, the Equestrian order delivered on the 20th instant, the following declaration :

“ His Highness, my Lord the Prince Stadtholder, thinks it his duty to clear his Highness the Duke of Brunswick from all the imputations laid to his charge, of having been, through his influence, the cause of the defenceless state of the country at the beginning of the present war, and of all the pretended negligence in this matter; as also of all the mistaken measures sup-

posed to have been taken for a long time ; and of the fatal consequences arising therefrom : the Prince, therefore, freely declares he is conscious, that to the best of his knowledge, the said Duke never gave to his Highness any advice contrary to the true interest of the country : that, above all, he is unjustly accused, that through his said influence the navy of this Republic is not in a better state, or there were any neglect in that department during the course of last year. His Highness having at no time consulted with the said Duke on that matter. The Prince Stadtholder further declares, that he is not used to follow any one's advice, when any matter of importance is the subject; especially such as concerns the real welfare of the Republic, without first examining whether the proposed points are truly advantageous to the country: and that in such cases, he thinks himself bound to follow no other guide than that light which the Supreme Being has given him for his direction, instead of seeing through other eyes with a mistaken confidence, although his Serene Highness is always ready to hearken to good advice.”

“ Given at the Hague, Feb. 20, 1782.”

Upon the above declaration, the Equestrian Order delivered their opinion as follows :—

“ Desirous to prove our compliance, we consent that it should be declared by their Noble and High Mightinesses, “ that the city of Amsterdam, as well as the members of the Sovereignty, have a right to lay before their said Mightinesses, or before his Highness, considering his intimate connection with the state, all such proposals as they may think conducive to the welfare of the Republic, without being any ways answerable for it, or for any such

such cause prosecuted in the courts of justice or elsewhere: that in consequence of the above declaration, their Noble and High Mightinesses, insist on the affair being entirely laid aside, and subject to no further enquiry."

Arnhem, March 2.

In an assembly extraordinary of the county of Zutphen, held at Nimeguen on the 23d ult. on the proposals of Mr. Adams on the part of the Congress, for a treaty of alliance and commerce with the Republic of Holland, Baron Robert-Gaspard-de-Capelle de Marth, who on every occasion has displayed the abilities of an orator, and the zeal of a true patriot, not only in favour of that measure, but delivered a written *advice* to the following purport:

" Noble and Mighty Lords!

" The underwritten thinks, upon the best foundation, and without fear of being contradicted, that it is high time to pay a serious attention to the offer and invitation equally honourable and advantageous to this republic, of entering into a treaty of mutual connection and amity with the thirteen provinces of America, who have acquired freedom by the point of their sword, and that consequently the categorical answer requested by their minister, Mr. Adams, should become the object of your deliberation, that an immediate resolution may be taken on our respective interest. He also is of opinion that there should be no manner of hesitation in this respect, and that the *uncertain* consequences of the mediation of Russia ought not to interfere when there was a prospect of a *certain* advantage for the Republic. — That any further delay to join with a nation already so powerful would be the cause of our

countrymen losing the opportunity of extending their commerce, and encreasing their wealth.

" He also observes, that the prohibition made by the American States, of importing any of the English manufactured goods, by means of timely precautions, would give a new life to our own manufactures, which have for some time been in a very declining state—that if the wish of the nation is not immediately complied with, its rulers would draw upon themselves a general blame, as having spurned the benevolent offers of Providence; whilst, on the contrary, the adopting of the proposed measures would convince it that the said rulers have their unfortunate country's interest at heart.

" The underwritten further declares, that he leaves the blame of that unpardonable neglect in an instance so favourable to this republic, entirely upon the heads of those whom it concerns, protesting against all the fatal consequences which must infallibly ensue from a further delay of entering into the above salutary measures. And for this reason, he desires that this, his protest, may be entered in the journals."

(Signed)

R. G. VANDERCAFFLEN.

The Baron was answered by Mynheer Jacob D'Enguizen, and the former's proposals objected to on the grounds that the motion was premature, as the Lords, the States of Holland, West Friesland, and Zeeland, the three principal trading Provinces, had not yet thought proper to come to any resolution on that head. Upon putting the matter to the vote, at the request of the Baron, the latter was left in the minority, and a copy delivered to him of his declaration.

To our most dear Son in JESUS CHRIST, JOSEPH, illustrious Apostolic King of Hungary, also of Bohemia; King elect of the Romans.

POPE PIUS VI.

My dear son Francis Herzan, Cardinal of the Holy Roman Church, Minister Plenipotentiary from your Imperial Majesty to the Holy See, delivered to us the 9th of November last, your most gracious letter of the 6th of October preceding, by which you answer ours of the 26th of August. In perusing it, we have been deeply afflicted, that you had not shewn the least regard to the instances we made to you, to beseech you not to strip the Apostolic See of the right it has enjoyed from the remotest times, of conferring, in your States of the Austrian Lombardy, the Bishopricks, Abbeys, and Provost-ships, to attribute it to yourself alone. We will not, my dear son in Jesus Christ, enter with you into the discussions that arose towards the middle of the Christian æra, after which, peace having been restored to the Church, she entered again into the ancient possession of her rights and discipline, which had been confirmed to her, by the constant testimonies of councils, even ecumenical. My heart is far from engaging in similar disputes: that paternal tenderness which is innate in it, and which we have resolved constantly to preserve for you, would oppose it. Nevertheless we beseech you, in the name of the Lord, not to think we derogate from your rights, and royal power, if we assure you, as a thing certain and indubitable, that when the Apostles were founding Churches, and establishing Priests and Bishops therein, they were never suspected, in that point, of attempting to encroach on the rights of the civil and secular power. The Church has adopted and preserved that usage, without any thing having resulted therefrom to the de-

triment of the rights of Sovereigns. On the contrary, if the secular power extended itself to every thing that concerns the priesthood, it would be stripping, all over the world, not only the Holy See, but moreover the Bishops, of the rights they enjoyed, and totally annihilate the salutary usage of indicating, and having a concurrence, which must be very far from your noble and pious way of thinking. As to the possessions which the Church has acquired, and holds of the munificence and liberality of Princes, as well as of the piety of others of the faithful, your Majesty is not ignorant, that they have ever been considered as consecrated to God, and for that very reason, even respectable; so that according to the constant judgment of our fathers, and of a faithful people, it is not allowed to divert these possessions to any other use, than that to which they have been consecrated; which is what they are not afraid to do, who, as the Council of Trent says, know not how to distinguish the property of the Church, which belongs to God, from other goods.

“ It is to prevent the administration of these possessions from becoming sometimes suspicious, and hurtful to the tranquility of states, that the Holy See, and we in particular, have had the greatest attention not to place in Cathedrals, at the head of Abbeys, persons suspected, or odious to the Princes of the countries where they are. Your glorious ancestors, and lately your most august mother, have never doubted of it. That gracious Empress had demanded of Benedict XIV. for her and her successors, the right to nominate, not to Bishopricks, but only to the Abbeys situated in the States of the House of Austria, in Italy, leaving nevertheless, by way of compensation, the right to the Holy See, to charge some pensions thereon, in favour of the

the Pontifical State: She employed in that negotiation, our most dear son the Cardinal Migazzi, then auditor of the Rota at Rome. He can himself inform your Majesty of every thing that had passed on that occasion. The reigning Pontiff then testified a strong and sincere desire to establish a true and solid harmony between the Holy See and her Majesty; and eagerly to lay hold of all the means that might conduce thereto, adding, that he ought to have the greatest regard for every thing that concerned the Pontifical dignity, and that it would be certainly neglecting it, if he abandoned, or alienated the rights which his predecessors had ever retained and exercised; that his name would be very odious to his successors and to posterity, if he granted, or suffered to diminish in the least, that right, and that pontifical prerogative. Returning afterwards to the offer that had been made him of the pensions, and to the consequences that would result therefrom in the actual situation of affairs, the subjects of her Majesty in Italy are said he, admitted like others, without any distinction, to the principal posts and dignities with the Holy See, and almost always some of them are received into the College of Cardinals, and sometimes even elected to the sovereign pontificates; but that if this change, which was demanded of him, should be effected, he did not fear to foretell her, that this step would turn out entirely to the disadvantage of her own subjects, who would be entirely stripped of these employments, or excluded from them in future. In consequence of this answer of Benedict XIV. to your august mother, this glorious Sovereign, hearkening only to her natural equity, desisted from her demand; this is a fact which is known to us. The name of Benedict XIV. was dear to that Princess, who considered him as a most wise Pontiff, full of attachment for the House of

Austria, of which he gave many proofs in his life-time, particularly at the beginning of his Pontificate; and when you was born, he would stand your Godfather at the baptismal font, to bind you by that sacred tie still more closely to him, and the Apostolic See. In consideration of this, it is, that we are willing to be more gracious towards you, most dear son in Jesus Christ, and we burn with the desire of treating with you amicably, and as a father with his son, of the affair in question; and about several innovations that have intervened in the beginning of your reign, and which have plunged us into the deepest sorrow. But as we know that the project of treating together would meet with many difficulties, unless we confer *tete-a-tete*, we have proposed to approach you; and we shall not, in the least, regard the length and inconvenience of the journey, in an advanced age, and already weakened; but we shall find strength in the great and only consolation of being able to speak and declare to you, how much we are disposed to gratify you, and conciliate the rights of your Imperial Majesty with those of the Church; we therefore beseech most earnestly your Majesty to look upon this step as of a particular mark our attachment for you, and of the desire we have of preserving the same union. We ask this favour of you, not for ourself in particular, but for the common cause of religion, the charge of which we must watch over, and which it is our duty to protect. If you grant to the Church of God that protection she demands of you, principally at this time, that will be working efficaciously to establish your power, felicity and glory; and to the end that these resolutions, these noble designs may spring up in your heart, by the grace of God, we give most cordially to your Imperial Majesty, and the whole House of Austria, the Apostolical benediction,

meditation, as a preface of the same goodness."

Given at Rome, the fifteenth day of December, 1781, and of our Pontificate the seventh year.

"It is assured, that the Nuncio of the Holy See, at the Court of Vienna, delivered to the High Chancellor, Prince de Kaunitz, the 12th of December last, a memorial, containing five articles, relative to the late ordinances of the Emperor, concerning the religious orders, and other arrangements, which it is presumed our Sovereign is still taken up with, and which may concern the Church. The Nuncio insinuates therein, that the Emperor had exceeded his rights, and encroached on those of the Pope. The answer of the Prince de Kaunitz to that memorial, breathes a noble firmness, together with the respect due to religion and the Sovereign Pontiff. It contains in substance, that as these representations, as strong as they may appear, must be attributed to an excess of zeal in the Nuncio, which has not been authorised by the Holy Father, they would not have affected his Imperial Majesty, if he had not been informed, that this memorial had been communicated to some Bishops, his subjects, and to others; that nevertheless, as this communication had produced no bad impression, the Emperor had thought proper, that the High Chancellor should answer briefly to the different points of that memorial. It is laid down in that answer, that all the abuses that do not concern the dogma, and things purely spiritual, cannot depend on the Pope, his Holiness having, those two points excepted, no authority in the State. That the existence of the religious orders touches neither faith nor religion; that they owe it to the will of Princes in whose States they live: that it is not the intention of his Imperial Majesty to attack the sanction which the Pope has given to the establishment of these

orders, since it is very indifferent to his Majesty, whether those, whose abolition he has resolved on, in his States, exist or not, in other countries, &c."

Rome, Feb. 7. The following is the Emperor's Reply to the Brief which his Holiness transmitted to Vienna:

"Most Holy Father,

"Since your Holiness persists in your design of repairing hither, I assure you, that you will be received with all the respect and attention which are due to your exalted station. However, your journey relates to the affairs which are under your Holiness's consideration, and which have been already decided upon on my part, it is superfluous. As to myself, I have in all my resolutions strictly conformed to equity, reason, humanity, and religion; and have never determined absolutely upon any of them, without previously consulting persons of wisdom and integrity, and who were well versed in the subject in contemplation. I do assure your Holiness, that truly *catholic* and *apostolic*. I am filled with the utmost respect and deference towards you, and entreating your benediction. I am, &c.

JOSEPH."

Vienna, Feb. 16. The principles established by the Emperor to serve as rules to his Courts of Justice in Ecclesiastical affairs, are as follow:

"The object and bounds of the sacerdotal authority in the State, are so clearly pointed out by the functions and duties to which the Lord himself has confined his Apostles, while he was on earth, that it would be a want of faith to start, or even to admit a doubt in this respect; and it would be the highest absurdity to dare to pretend, that the successors of the Apostles had a divine right to more authority than they themselves ever exerted; nor is any man ignorant, that our Lord Jesus Christ only

poly charged them with functions entirely spiritual; 1st, with the preaching of the gospel. 2dly, with the care of the propagation of it. 3dly, with the administration of the sacraments (that is of those which are spiritual.) 4thly, with the care of the church.

“To these four objects was the authority of the apostles confined, and consequently it is on the same objects alone which their successors can have any pretence to direct. It follows therefore, that all authority whatsoever in the state, is, and ought still to be primitively vested in the sovereign power, as has been ever since the first origin of all states and societies till the establishment of *Christianity*, by which the natural order of those things has not been, nor cannot be altered. After the exception then of the four objects above-mentioned, there does not remain any kind of authority, any kind of prerogative, any kind of privilege, any kind of right whatever which the clergy hold, that does not entirely depend on the free will, and arbitration of the Princes of the earth. It is indisputable that, in every thing which has been granted or established by the sovereign authority, and which depends upon its pleasure to grant or to refuse that authority, it has full right to make alterations, and even to revoke entirely, when the general welfare requires it, provided they do not oppose any fundamental law of the state; but all other laws, agreements, or establishments made, or to be made, which the wisdom and duty of the legislature shall appropriate to times and circumstances.

“The regulations of the Councils which are not binding to any but the States which have admitted them, are in the same situation as they might have been entirely rejected, there is the strongest reason for their having the power of rectifying them, or revoking them as the dif-

ference of times and circumstances, and the welfare of the State may require.

“The sacerdotal authority is not arbitrary or independent as to the principles, culture, or discipline of religion, they being objects which are so essential to society and public tranquillity, that the province, in his quality of Sovereign Chief of the State, as well as protector of the Church, cannot permit any matter whatsoever to be divided upon without his participation in affairs of great importance.”

The objects and the authority of the Clergy being clearly explained by the above-mentioned principles, it follows that every thing which concerns the ecclesiastical jurisdiction shall be decided upon in future by those principles.

Hague, March 7.

The States of Friesland have come to the following resolution, which was delivered by their Deputies to the Assembly of their High Mightinesses:

“The demand made by Mr. Adams having been signified to the Assembly, and put into deliberation, for delivering his Letters of Credence from the UNITED STATES OF NORTH AMERICA, to their High Mightinesses; and also his farther address to that purpose, wherein he requests a categorical answer, as is more fully expressed in the notes of their High Mightinesses, of the 4th of May 1781, and 9th of January 1782. Having taken the above matters into consideration, and judging that it was extremely probable that the said Mr. Adams might have some proposals to make to their High Mightinesses concerning the principal Articles and Conditions, upon which the Congress, on their parts, were willing to enter into a treaty of commerce and friendship; and might also have other matters to propose, which required expedition,

“It

" It was found good and decreed, that the deputies of this province should be empowered, and charged, that in the General Assembly they should conduct matters so at the Board of their High Mightinesses, that the said Mr. Adams might, as soon as possible, be admitted as Minister from the Congress of North America, with farther instructions to the said deputies, that if similar proposals should again be made by Mr. Adams, they should immediately acquaint their Noble and Great Mightinesses of them; and it is also resolved, that an extract of the present be sent to them for their information, that they may conduct themselves accordingly.

Thus resolved at the Province-House, on the 26th of February, 1782.

Beneath found to agree with the book, A. J. V. SMINTA.

Hague, March 19. The Duc de Vauguyon presented yesterday morning the following memorial to the States General:—

" *High and Mighty Lords,*

" The King received on the 4th inst. the resolutions which your High Mightinesses communicated to me, in my ministerial capacity. By the first of them, your High Mightinesses accept of the mediation offered by the Empress of Russia, stating for the fundamental basis, *the previous acknowledgment of the unlimited freedom of the seas*; declaring, at the same time, that your High Mightinesses will not enter into any engagement with the Court of London, which may be incompatible with that neutrality, which has been constantly observed by the Republic. In the second, your High Mightinesses authorise the Prince, to whom you entrust the administration of your maritime forces, to propose to the King, *to act in concert against the common enemy.*

" The King constantly adhering

to those principles of moderation, which form his political system, carefully avoided engaging your High Mightinesses in any active part, in the difference between France and England. His Majesty confined himself to exciting your High Mightinesses to maintain the dignity of the Republic, with the rights upon which its independence and prosperity were founded; and at the same time gave your High Mightinesses the most unequivocal proofs of generous good will. Since the commencement of hostilities between the United Provinces and Great Britain, his Majesty, constant in caution, did not think proper to provoke you to *a combination of measures against that power.*—If induced by a consideration of your own interests, your High Mightinesses have now come to a determination to propose it to the King, he is persuaded that you must be conscious all combination must be illusive, unless it is founded upon such grounds, as that neither one part nor the other can depart from the plan laid down, from any cause or consideration whatever.

" But though the King, in this respect, does every justice to the wisdom and penetration of your High Mightinesses, he nevertheless thinks it necessary to demand an amicable and clear explanation on this important object. The answer of your High Mightinesses will enable the King to deliberate with a complete knowledge of the cause, upon your proposition to the Catholic King, his Ally, and to concert with that Prince, one common resolution.

Meanwhile his Majesty charges me to assure your High Mightinesses, of the desire he has to second your views, and of the disposition which he feels to give the republic essential proofs of his good will at the present conjuncture, as well as in every thing that may interest the tranquility and welfare of the United Provinces."

(Signed) The Duc de VAUGUYON.

A Translation of a Royal Grant of Land, by one of the ancient Raajaas of Hindostan, from the original in the Shanscrit language and character, engraved upon a copper-plate, bearing date fifty-six years before the Christian Era; and discovered some years since amongst the ruins at Mongueer.

DEB PAAL DEB.

PROSPERITY!

His wishes are accomplished. His heart is steadfast in the cause of others. He walks in the paths of virtue. May the achievements of this fortunate Prince cause innumerable blessings to his people!

By displaying the strength of his genius, he hath discovered the road to all human acquirements; for being a *Soogot* (a) he is Lord of the Universe.

Gopaal, King of the World, possessed matchless good fortune. He was Lord of two Brides; the Earth and her Wealth. By comparison of the learned he was likened unto *Pre-*

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100, (b) *Sogor* (c) and others; and it is credited.

When his innumerable army marched, the heavens were so filled with the dust of their feet, that the birds of the air could rest upon it.

He acted according to what is written in the *Shastaa*, (d) and obliged the different sects to conform to their proper tenets. He was blessed with a son, *Dhormo Paal*, when he became independent of his forefathers, who are in heaven.

His elephants moved like walking mountains, and the earth, oppressed by their weight and mouldered into dust, found refuge in the peaceful heavens.

He went to extirpate the wicked and plant the good, and happily his salvation was effected at the same time: for his servants visited *Keddaar*, (e) and drank milk according to law; and they offered up their vows, where the Ganges joins the ocean, and at *Gokornaa*, (f) and other places. (g)

L I

When

(a) *Soogot*—signifies an Atheist, or follower of the tenets of *Soogot* a Philosopher, who is said to have flourished at a place called *Kaekot*, in the province of *Behar*, one thousand years after the commencement of the *Kolsee Joog*, or *Iron Age*; of which this is the 4882d Year. He believed in visible things only, or such as may be deduced from effects, the cause of which is known: as from smoke the existence of fire. He wrote many books to prove the absurdity of the religion of the *Brahmons*; and some upon Astronomy and other sciences, all which are said to be now in being. He further held that all our actions are attended by their own rewards and punishments in this life; and that all animals having an equal right to existence with man, they should not be killed either for sport or food.

(b) *Preetoo*—was the son of *Beno*, and *Raajnaa*, of a place called *Beador*, near *Lucknow*. He flourished in the first age of the world, and it is said to have levelled the earth, and having prepared it for cultivation, obliged the people to live in society.

(c) *Sogor*—the name of a *Raajaa*, who lived in the second age at *Ojoodho*, and it is said to have dug the Rivers.

(d) *Shaaftaa*—book of divine ordinations: The word is derived from a root, signifying to command.

(e) *Keddaar*—a famous place, situated to the north of Hindostan, visited, to this day, on account of its supposed sanctity.

(f) *Gokornaa*—a place of religious resort, near *Punjab*.

(g) This, and a few other passages, appear inconsistent with the principles of a *Soogot*; to reconcile it therefore, it should be remarked, that as he

When he had completed his conquests, he released all the rebellious Princes he had made captive, and each returning to his own country laden with presents, reflected upon this generous deed, and longed to see him again as mortals, remembering a pre-existence, wish to return to the realms of light.

This Prince took the hand of the daughter of *Porobol*, *Raajaa* of many countries, whose name was *Ronnaa Debee*; and he became settled.

The people, being amazed at her beauty, formed different opinions of her: Some said it was *Luckee* (*h*) herself in her shape; others that the earth had assumed her form; many said it was the *Raajaas* fame and reputation; and others that a household Goddess had entered his palace. And her wisdom and virtue set her above all the ladies of the court.

This virtuous and praise-worthy Princess bore a son *Deb Paal Deb*,

as the shell of the ocean produces the pearl.

In whose heart there is no impurity; of a few words, and gentle manners; and who peaceably inherit the kingdom of his father, as *Bodheesotwa* (*i*) succeeded *Soogot*.

He, who marching through many countries making conquests, arrived with his elephants in the forests of the mountains of *Beendhya*, (*k*) where seeing again their long lost families, they mixed their mutual tears; and who going to subdue other Princes, his young horses meeting their females at *Komboge*, (*l*) they mutually neighed for joy.

He who has opened again the road of liberality, which was first marked out in the *Kreeto Joog* (*m*) by *Bolee*; (*n*) in which *Bhaargob* (*o*) walked in the *Treetaa Joog*; (*p*) which was cleansed by *Korno* (*q*) in the *Dwapor Joog*, (*r*) and was again choked up in *Kolee Joog*, (*s*) after the death of *Sokodweefsee*. (*t*)

He

he was issuing his orders to subjects of a different persuasion, it was natural for him to use a language to a performance of his commands. The *Pundit*, by whose assistance this translation was made, when he was desired to explain this seeming contradiction, asked whether we did not, in our courts, swear a *Musliman* upon the *Kooran*, and a *Hindoo* by the waters of the *Ganges*, although we ourselves had not the least faith in either.

(*h*) *Luckee*—the Hindoo Goddess of Fortune.

(*i*) *Bodheesotwa*—was the son of *Soogot*.

(*k*) *Beendhya*—name of the mountains on the Continent near *Ceylon*.

(*l*) *Komboge*—now called *Cambay*.

(*m*) *Kreeto Joog*—the first Age of the World, sometimes called the *Suttie Joog*, or Age of Purity.

(*n*) *Bolee*—a famous giant of the first age, who is fabled to have conquered earth, heaven and hell.

(*o*) *Bhaargob*—a *Brahmon*, who having put to death all the princes of the earth, usurped the government of the whole.

(*p*) *Treeto Joog*—the second age, or of three parts good.

(*q*) *Korno*—a famous hero, in the third age of the world. He was General to *Doorjodhon*, whose wars with *Joodosteer* are the subject of the *Mohabarot*, the grand Epic Poem of the Hindoos.

(*r*) *Dwapor Joog*—the third age of the world.

(*s*) *Kolee Joog*—the fourth, or present age of the world, of which 4882 years are elapsed.

(*t*) *Sokodweefsee*—an epithet of *Beekromaadeetyo*, a famous *Raajaa*. He succeeded his brother *Sokaadeetyo*, whom he put to death.

He who conquered the Earth from the source of the Ganges, as far as the well-known bridge, which was constructed by the enemy of *Dofaafyo*; (u) from the river of *Luckee-cool*, (x) as far as the ocean of the habitation of *Boroon*. (y)

At *Mood-go-gheeree*, (z) where is encamped his victorious army; across whose river a bridge of boats is constructed for a road, which is mistaken for a chain of mountains; where immense herds of elephants, like thick black clouds, so darken the face of day, that people think it the season of the rains; whither the Princes of the North send so many troops of horse, that the dust of their hoofs spreads darkness on all sides: whither so many mighty Chiefs of *Jumbod-weep* (a) resort to pay their respects, that the earth sinks beneath the weight of the feet of their attendants. There *Deb Paal Deb* (who, walking in the footsteps of

the mighty Lord of the great *Soogots*, the great Commander, *Raajaa* of *Mobaa Raajaas*, *Dormmo Paal Deb*; is himself, mighty Lord of the great *Soogots*, a great commander, and *Raajaa* of *Mobaa Raajaas*) issues his commands,—To all the inhabitants of the town of *Mesekkaa*, situated in *Kreemeelaa*, in the province of *Sree Mogor*, (b) which is my own property, and which is not divided by any land belonging to another; to all *Raanak* and *Raaje Pootro*; to the (c) *Omaatyo*, *Mobaa-kaarttaa-kreeteeko*, *Mobaa-Dondo-Nayk*, *Mobaa-Protebaaar*, *Mobaa-Saamonto*, *Mobaa-Dow-Saadbon-Saadboneeko*, *Mobaa-Koomaaraa-Maty*; to the *Promaatree* and *Sorobhongo*; to the *Raajostaaneejo*, *Ooporeeko*, *Daasaporaadheeko*, *Chowrod-dhoroneeko*, *Daandeeko*, *Dondopaaseeko*, *Sowl-keeko*, *Gowlmeeko*, *Kyotropo*, *Praantopaalo*, *Kothtopaalo* and *Kaandaarokyo*, to the *Todajooktoko* and the *Beeneejooktoko*; to the

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keeper

(u) *Dofaafyo*—one of the names of *Rabon*, whose wars with *Raam* are the subject of a poem called the *Raamayon*.

(x) *Luckee-cool*—now called *Luckee-poor*.

(y) *Boroon*—God of the ocean.

According to this account the *Raajaa's* dominions extended from the Cow's Mouth to Adam's Bridge, in *Ceylon*, said to have been built by *Ram* in his wars with *Raabon*; from *Luckee-poor* as far as *Goozerat*.

(z) *Mood-go-gheeree*—now called *Mongueer*.

(a) *Jumbod-weep*—according to the Hindoo Geography, implies the habitable part of the earth.

(b) *Sree Ngor*—the ancient name of *Patna*.

(c) *Omaatyo* Prime Minister. *Mobaa-kaarttaa-kreeteeko* Chief Investigator of all things. *Mo-baa-Dondo-Nayk* Chief Officer of Punishments. *Mobaa-Protebaaar* Chief Keeper of the Gates. *Mobaa-Saamonto* Generalissimo. *Mobaa-Dow-Saadbon-Saadboneeko* Chief Obviator of difficulties. *Mobaa-koomaaraa-Maty* Chief Instructor of Children. *Promaatree* Keeper of the Records. *Sorobhongo* Patrols. *Raajostaaneejo* Vice Roy. *Ooporeeko* Superintendent. *Daasaa-raadheeko* Investigator of Crimes. *Chowrad-dhoroneeko* Thief Catcher. *Naan-deeko* Mace Bearer. *Dondo-paseeko* Keeper of the Instruments of Punishment. *Sowl-keeko* Collector of Customs. *Gowlmeeko* Commander of a small party. *Kyotropo* Supervisor of Cultivation. *Praantopaalo* Guard of the suburbs. *Kothtopaalo* Commander of a Fort. *Kaandaarokyo* Guard of the Wards of the City. *Todajooktoko* Chief Guard of the Wards. *Beeneejooktoko* Director of affairs. *Dostropy-soneeko* Chief of the Spies. *Gomaa-Gomeeko* Messengers. *Obbeerworomaano* Swift Messengers. *Beesoypotee* Governor of a City. *Toropotee* Superintendent of the Rivers. *Toreeko* Chief of the Boats.

keeper of the elephants, horses, and camels; to the keeper of the mares, colts, cows, buffaloes, sheep, and goats; to the *Dootopryseeko*, *Gomaa-Gameeko*, and *Obbeetweromaane*; to the *Beefoyotee*, *Toropatee*, and *Toreeko*. To the different tribes, *Gowr*, *Maa-lob*, *Khofo*, *Hoon*, *Koolakee*, *Kornaato*, *Laafaato*, and *Bhoto*; to all others of our subjects, who are not here specified; and to the inhabitants of the neighbouring villages, from the *Braabmon* and fathers of large families, to the tribes of *Medo*, *Ondheroko*, and *Chondaalo*.

Be it known, that I have given the above-mentioned town of *Mesee-ka*, whose limits include the fields where the cattle graze, above and below the surface, with all the lands belonging to it; together with all the *Mango* and *Modbo* trees; all its waters and all their banks and verdure; all its rents and tolls, with all fines for crimes, and rewards for catching thieves. In it there shall be no molestation, no passage for troops; nor shall any one take from it the smallest part. I give likewise every thing that has been possessed by the servants of the *Raajaa*: I give the Earth and Sky, as long as the Sun and Moon shall last: except, however, such lands as have been given to God, and to the *Braabmons*, which they have long possessed and now enjoy. And that the glory of my father and mother, and my own fame may be increased, I have caused this *Saafon* (d) to be engraved, and granted unto the great *Botho Beekoraato Meefro*, who has acquired all the wisdom of books, and has studied the *Beads* (e) under *Osaayono*; who is descended from *Owpo-*

manyobo; who is the son of the learned and immaculate *Botho Boraaboraato*, and whose grand father was *Botho Beefworaato*, learned in the *Beads*, and expert in performing the *Jog* (f).

Know all the aforesaid, that as bestowing is meritorious, so taking away deserves punishment; wherefore, leave it as I have granted it. Let all his neighbours and those who till the land, be obedient to my commands. What you have formerly been accustomed to perform and pay, do it unto him in all things. Dated in the 33d *Sombot*, (g) and 21st day of the month *Maargo*. Thus spake the following *Slokes* (h) from the *Dormmo Onoofaafon*:

1. "Ram hath required, from time to time, of all the *Raajaas* that may reign, that the bridge of their beneficence be the same, and that they do continually repair it.

2. "Lands have been granted by *Sagor* and many other *Raajaas*; and the same of their deed devolves to their successors.

3. "He who dispossesses any one of his property, which I myself, or others have given, may his ordure, and that of his father, be filled with worms, and their flesh grow rotten!

4. "Riches and the life of man are as transient as drops of water upon the leaf of the Lotus. Learning this truth, O Man! do not attempt to deprive another of his reputation."

The *Raajaa*, for the public good, hath appointed his virtuous son, *Raajeyo Paal*, to the dignity of *Jowbo Raajaa*. He is in both lines of descent illustrious, and hath acquired all the knowledge of his father.

Leiden,

(d) *Saafon*—signifies an Edict.

(e) *Beads*—Hindoo Scriptures.

(f) *Jog*—sacrifice.

(g) *Sombot*—implies the *Æra* of *Raajaa Beekromadeetyo*. The *Brahmons* throughout Hindostan keep time according to the following epochas: The *Kolyobdo*, from the flight of *Kreefshno*, or commencement of the *Kolee Jog*, 4882 years. The *Sombot*, from the death of *Beekromadytyo*, 1837 years. The *Sokaabdo*, from the death of *Raajaa Soko*, 1703.

(h) *Slokes*—stanzas, commonly, but erroneously written *Aphlogues*.

Leyden, March 21.

The deputies of Friezeland have come to a determination for striking out of their provincial expences, the quota which they used to pay towards the salary of the Duke of Brunswick. This perhaps is only the report of the day; nevertheless we shall here transcribe their letter of the 11th inst. to the Prince Stadtholder, together with the protest of the provincial towns, and the answer of his most Serene Highness.

Most Serene Prince and Lord!

The great stress we lay upon the peaceable administration, and our lively sense of its principal foundation, namely, the sincere and lasting confidence of the good patriots, not only on their Sovereign, but also on all those who are to manage the principal affairs of the state, have induced us to lay before your most Serene Highness, in as serious a manner as the exigencies require: that it is notorious to every member of the State, that in the present crisis of the Republic, there prevails, amongst all orders of citizens, an universal mistrust and discontent on the manner in which the interesting affairs of the nation have been hitherto conducted, especially in regard to the navy department; the delays it has experienced, and the insignificant protection afforded to trade, previous and consequent to the declaration of war made by the Court of England; this mistrust and discontent daily, to our great sorrow, far from diminishing, increases, whence proceeded an almost universal detestation against the person and administration of the Duke of Brunswick, who being looked upon as the adviser of your Serene Highness, is considered as the cause of such delays, and mal-administration of affairs. From such dispositions of the true citizens, the worst consequences may be apprehended, and every way prejudicial to

public tranquillity, and the lawful constitution of this Republic; a misfortune, which it is the duty of every well meaning regency cautiously to avert.

From this consciousness, most Serene Prince, we are induced to lay before you, not only with the utmost candour, and spirit of true patriotism, but by the duty incumbent upon us, as constituting a part of the sovereignty of the Netherlands, our most earnest request that you would be pleased to watch over the peace and general confidence, in order to preserve both, as being the springs from which flow the welfare of the States; and seriously to declare, that, in order to prevent those fatal consequences which may arise from the aforesaid general discontent, we cannot refrain from intreating, in the most friendly, but altogether earnest, manner, your Serene Highness, who, we trust, will be equally sensible with us, of the importance of the stated affair, as much in regard to the State as to yourself; that you will be pleased, in the gentlest manner, to persuade the Duke of Brunswick not to meddle with the affairs, but to withdraw from the territories of the Republic.

—By these means all jealousies may be removed, unanimity restored, and the whole nation brought back to a boundless confidence in those who are entrusted with the execution of such plans, as tend to forward the most important concerns of the State. Upon this, Most Serene Prince and Lord, we heartily commend your Highness to the protection of the Almighty. Given at Leeward, on the eleventh of March, 1782.—Signed the good friends of your Highness the States of Friezeland.

By command of their Noble Highnesses,

H. B. V. SMINIA.

A. I. V. SMINIA.

*Uterior of the Towns wards on the
33d Head of the Ordinary Diet.*

The above ward having flattered themselves that the three other wards would not join in opinion against Field Marechal Duke of Brunswick; but finding that the contrary is the case, and the said ward not supposing even now that the true cause, according to the proposals of Westergo, lies in that the Duke of Brunswick as counsellor of his Serene Highness the Prince Stadtholder, is suspected as the instigator of the bad administration of affairs.

Dissentient,

1st. Because it is not declared either in the proposal or advice, that such a suspicion is supported by the majority of members, but only by the citizens.

2dly, Because the said ward does not dare to presume, that the other three wards will come to a similar resolve of impeaching without any motive, or upon a groundless suspicion, for which no proof nor even probability, is alledged.

3dly. Because it is notorious to the said ward, that by the Prince's declaration, given to the States of Holland and Westfriesland, on the 20th ult. the Duke of Brunswick is fully cleared of the said accusation.

In fine, the aforesaid ward intreats that the three others will take into serious consideration, that this sudden resolution on so important a matter, may tend to the eternal disgrace of this province; and that whatever has or may be done on the subject, is entirely left to the charge of the three other wards.

The next day after the reception of the above letter, the following answer was sent by the Stadtholder:

*Hague, March 13, 1782.
High and Mighty Lords, our good
and beloved Friends!*

It is with equal surprize and sorrow that we have perused your letter, and the prayer therein contained.

Although you will ever find us ready to comply, as much as in us lies, with the just requisitions of your Noble Mightinesses, and although the uppermost of all our wishes is to improve every opportunity of giving proofs of our zeal for the advancement of the true interest of this republic, especially of the province of Friesland, it is beyond our power to dissemble, that she cannot reconcile in the great rules of equity, that any one, especially a nobleman of so illustrious a family, to whose charge nothing is laid, a discontent merely ideal, and founded on no proofs, supported by no arguments, nor grounded on any criminal excuse: a nobleman, to whom our House and ourselves are so essentially indebted, who, for above thirty years, has served the Republic as their Field Marechal with all imaginable zeal and faithfulness, who, during our minority, has, to the entire satisfaction of the States of your own N. M. and that of the other provinces, fully discharged the important functions of Captain-general; be not only excluded *de facto*, from all interference in public affairs, but even from meddling in those which are directly incumbent upon him, in the military capacity entrusted to the said Duke, and even to expel him from the country.

We flatter ourselves that your N. M. will approve, that guided by those principles of gratitude and equity, we declare ourselves obligated to clear the said Lord Duke, as far as lies in our power, from all the blame laid to his charge by the blind passion of the vulgar misinformed; repeating on this occasion, and to your N. M. the declaration made by us on this head, to the equestrian order of the Ratch.

In consequence whereof, we are of opinion, that as long as it is not fully proved unto us, that the discontent alluded to, is well founded; and that all charges whatever brought by

by a prejudiced party, against the said Lord Duke, shall have been evidenced in some manner, we neither can or ought to comply with the request of your N. M. who, as we sincerely wish, will give it up, whilst it will nevertheless be our business, in case, contrary to all expectation, any thing should have been laid before your N. M. that you might consider as a positive proof of the mistrust conceived against the said Duke, your N. M. will give him a convenient opportunity of clearing himself before you condemn or insist upon his being removed from our person, in case that no supported charge has been, or may hereafter be laid against him before your N. M. It is our opinion, that the said Lord Duke stands in no need of a justification, but ought to be looked upon as fully acquitted, upon which, &c.

(Signed)

G. PRINCE OF ORANGE.

Leyden, March 28.

Rear-admiral Byncks having been suspended from his military employment, and deprived of his salary for the space of three years, by the sentence of a court-martial, the Prince Stadtholder sent, on this occasion, the following letter to the States General:

High and Mighty Lords,

As it has pleased your H. M. by your resolution of the 17th of December last, to request that we will call a court-martial to examine the conduct of Rear-admiral Byncks, in regard to the ship *St. George*, bound from Smyrna, with a rich cargo, suffering it to be taken and carried into Leghorn, under his very eyes, and having under his command three ships of war: we, in consequence, called a high court-martial, whose sentence has been forwarded to your H. M. We have thought it our duty to approve of the said sentence, in its full meaning, as much for the

sake of example, as because the service of the country cannot be properly supported, without rewarding those who do their duty, and punishing such as are deficient in point of zeal and activity; and whereas, we are of opinion, that the great age of the said Rear-admiral, has deprived him of that very great activity, which, in time of war is so necessary to the commander of a Squadron; we think it fit to signify to your H. M. that our intention is not to entrust the said Rear-admiral Byncks with any such command in future; though we are very far from attributing to cowardice or other bad intention, of which no proof has been given, nor even the least appearance evidenced, the inactivity, delay, and neglect, of which he has been guilty, whilst he commanded in the Mediterranean.

(Signed)

G. PRINCE OF ORANGE.

Hague, March 30.

Vienna, March 7.

Ever since the publication of the letters patent, granting the free exercise of their religion to the Protestants, all over the Austrian dominions, several of those who secretly professed it, in Bohemia and other places, have appeared in crowds before the magistrate, to declare themselves: but as it is in the nature of man to abuse the greatest good, these Protestants thought themselves intitled, in order to indemnify themselves of the long constraint under which they had lain for so long a time, to insult and revile the Roman Catholics. It is for the purpose of preventing the excesses of religious animosity, that his Imperial Majesty has published the following regulation, which seems to have been dictated by the spirit of wisdom and toleration.

1st. Whenever the Protestants shall be guilty of a breach of peace, it shall be the business of the magistrate to

to put them in mind of the true intent and meaning of the letters patent, that it is not lawful for them to make profelytes, but that every one is at liberty to follow a mode of worship, different from that of the Roman church; provided he makes himself known to the said magistrate, who will grant to each of them a certificate of such declaration, the said magistrate shall, once every month, notify the number of those who shall have lodged with him such declarations, to the superintendent, or governor of the province, who will transmit his report thereon to the regency of Vienna. If the number of Protestants in any one place, is sufficient to build a chapel, and keep a minister for the same, the said regency shall grant leave without delay; but if some particular circumstance should oppose the granting of such leave, then the members of the regency shall make their report to the Emperor himself, and wait his final determination.

2dly. The Protestants, thus permitted the free exercise of their religious worship, shall carefully avoid compelling, by threats, contempt, or other bad treatment, their wives, children, or servants, who might prefer the Roman Catholic persuasion.

3dly. The said Protestants shall also refrain from insulting the Catholic religion, speaking ill of it, deriding the images, the statues of the saints, &c. &c. under pain of the severest punishment, not as professing a different religion, but as disturbers of the public peace, and, though themselves tolerated, endeavouring to lay a restraint upon other men's consciences.

4thly. It is strictly forbidden the said Protestants to hold, in taverns and other assemblies, such discourses as may depreciate the other religious mode of worship, or agitate controvertible points of religion. The re-

spective Judges within their districts shall watch over such delinquents with the strictest attention, as they shall be punished for any neglect on their part.

5thly. The Roman Catholic subjects are exhorted to demean themselves peaceably towards their Protestant brethren; neither to attack nor revile their religious worship; but on the contrary, to behave with them in the gentlest and most friendly manner; as in the contrary case, they shall be punished equally with the others, for any such infringement of the peace.

6thly. The magistrate within their respective provinces and bailiwicks, are desired not to recede in the least from the full intent and meaning of this Imperial ordinance; and must, as far as in them lies, be extremely careful.

1st. To shew the most exact impartiality in regard to the Protestant subjects, either in the granting of favours, or the inflicting of punishments, in order to evince, that they are no ways swayed by hatred or prejudice.

2dly. Not to disturb or suffer any one to molest the Protestants in the free exercise of their religion, even in case they should assemble at the same hour as the Roman Catholics, for the celebration of their divine service.

3dly. That in case the said magistrates should be compelled to inflict a punishment upon any of our Protestant subjects, they shall take care to remind them, that it is not done in hatred to their religion, but because they have infringed the laws, and that Roman Catholics, guilty of the same crime, should be punished in like manner.

Finally. It is further recommended by this ordinance, to the clergy in General, when they are in the pulpit, to expound the moral of the gospel, without entering either in their

their catechism, or private conversion upon any article of the controverted tenets. They are also to remember that their duty requires, that they should explain to their auditors the principles of the Catholic religion, its eminence, dignity, and usefulness; but without any invective, or insulting reflections against the Protestants, upon pain, to those of the clergy, who should not conform thereto, to be degraded from the clerical order.

*The Spanish camp, under Gibraltar,
Feb. 28.*

The enemy have kept up a dreadful fire during the whole of last night, by which we have had six men killed, and seven wounded, three of them very dangerously. Seven vessels, laden with provisions and ammunition, have lately entered the port of Gibraltar, owing to the tempestuous weather there. On the 17th, another vessel endeavouring to get in, missing the proper place for anchoring, got under our battery of St. Charles, and being cannonaded by those of St. Philip, the King, and St. Ferdinand, she sunk, though several boats were sent out to her assistance.

During the night of the 22d, there arrived in a boat, in the harbour of Algeiras, two Bostonians, whose story is rather remarkable. They left Boston in the brig Polly, laden with sugar, tallow, &c. and arrived at Cadiz in January last, when their vessel was taken by an English frigate. They endeavoured to carry her into Gibraltar; but owing to want of skill, she ran a-ground on the coast of Spain; the crew, of which the two Bostonians made a part, were saved, and got to Gibraltar in a small bark.—Upon their arrival there, they endeavoured by force to make them serve on board a man of war; in consequence of which, they determined to quit the

place; and, after remaining five days before they were able to pass the Mole, they arrived at length at Algeiras, where they were very kindly received. Those two Bostonians relate, that the garrison at Gibraltar is devoured with the scurvy, for want of fresh meat; that eight pigs, which are but unwholesome food, particularly for invalids, sell for forty guineas, but that of other articles of provision they have plenty, and flatter themselves that they shall soon receive a fresh supply, both of provision and troops, notwithstanding all our endeavours to prevent it. They also say, that General Elliot intends soon to make a vigorous sally against our camp.

*From the LONDON GAZETTE.
Copy of a letter from Captain POLE,
of his Majesty's ship the Success, of
thirty-two guns, and two hundred
and twenty men, to Mr. STEPHENS,
dated at Spithead, the 30th day of
March, 1782.*

“SIR,

I have the honour to desire you will inform my Lords Commissioners of the Admiralty, that on the 16th instant, at day-light, in latitude 35, 40 north, Cape Spartel, bearing E. N. E. eighteen leagues, with the wind at S. W. standing for the Gut, with the Vernon storeship, we discovered a sail right a-head, close hauled on the larboard-tack: as soon as I could discover her hull from the mast-head, which the haze and lofty poop magnified, I made the Vernon's signal to haul the wind on the starboard tack, and make all sail; soon after hauled our wind, the strange sail tacked and gave chase; at half past two, P. M. finding the chase gained of the Vernon, I shortened sail to let her go a-head, and then brought-to, in hopes, at least, to make him shorten sail, and divert his attention from the ship under my

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convoy.

convoy. We soon after discovered him to be only a large frigate with a poop: at a little after five, he hoisted a Spanish ensign, with a broad pendant, and fired a gun: at six, being within random shot, astern of me, I wore, and stemmed for his lee-bow, till we had just distance sufficient to weather him; then hauled close athwart his forefoot, giving him our whole fire within half-pistol shot; passed close to windward engaging, while the enemy, expecting us to leeward, were firing their lee-guns into the water; the disorder our first fire threw them into, they did not recover. We then wore, and placed ourselves to great advantage, which our superiority of sail allowed us to do, supporting, without intermission, a most astonishing close and well-served fire, at never more than half cable distance, till the enemy struck, which was about twenty minutes past eight. She proved to be the Santa Catalina, Don Mig. Jacou, commander, of thirty-four guns, twenty-six long Spanish twelves on the main deck, and eight six-pounders on the quarter deck. The number of men I have not been able to ascertain. We have on board two hundred and eighty-six prisoners. The Captain and officers say, they had between twenty-five and thirty killed, and only eight wounded. Don Mig. Jacou is a Captain in the line, hath a distinguishing pendant as such, and is senior officer of the frigates cruising off the Straits; had a very particular description of the Success sent him, whom he was particularly directed to look out for; had been cruising three weeks for us; had seen us four times, chased us twice with a squadron of four and six sail, from whom he parted two days before. He speaks with much displeasure of the behaviour of his ship's company. Lieutenant Oakely, whom I had appointed to take charge of the prize, was indefatigable in clear-

ing the wreck. Her mizen-mast fell some time before she struck; her main-mast in a short time after, and her fore-mast must have shared the same fate, if the water had not been remarkably smooth; in short, without assuming much presumption, I may add, our guns did as much execution in little time as could have been done; her hull was like a sieve, the shot going through both sides. From this state of the prize, their Lordships may imagine my hopes of getting her to port were not very sanguine. Whilst we were endeavouring to secure the foremast, and had just repaired our own damages, which were considerable in our yards, masts, and sails, at day-light of the 18th, six sail appeared in sight, two frigates from whom had chased and were reconnoitring us; I instantly ordered the Vernon to make all sail, hoisted all my boats out, sent on board for Lieutenant Oakely and the seamen, with orders to set fire to the Santa Catalina before he left her. She blew up in a quarter of an hour, the wind being at S. E. I made all sail from the six sail, and determined on proceeding with the Vernon to Madeira, she being now in want of provisions and water. We had now two hundred and eighty-six prisoners on board, whose intention to attempt rising we had fortunately discovered, encouraged by the superiority of numbers, which appeared very striking to them.

The spirited behaviour of the officers, and of the ship's company, is superior to my praise; their real value and merit upon this occasion hath shewn itself in much stronger, and more expressive terms than I am master of; but it still becomes a duty incumbent on me, to represent them to their Lordships as deserving their favour and protection; I have particular pleasure in so doing. Lieutenant M^cKinley (2d) assisted by Mr. James, master, were very assiduous
in

in getting the Success's damages repaired as well as they could admit. Lieutenant Pownal, of the Marines, by the greatest attention and good example, formed a party that would do honour to veteran soldiers. Indeed, Sir, the Warrant, Petty, Able, &c. did their duty in so noble a manner, that I feel myself happy in rendering them my public thanks. I shall hope, if their Lordships are pleased to consider the conduct of the Success on this occasion as deserving their notice, that they will permit me to recommend the first Lieutenant to their favour. From the reports given me since, it adds to my satisfaction to know, that, had I not been obliged to set fire to the Catalina, she could not have swam, a gale of wind coming on immediately after, which obliged us to lay-to under storm stay-sail: she was the largest frigate in the King of Spain's service; her exact dimensions I have received from the Captain. They were taken three months since, when she was coppered at Cadiz. I am sorry to add, that amongst the list of our wounded is Mr. Geo. Hutchinson, boatswain, who lost his arm: the service will lose a very valuable man.

Dimensions of the Santa Catalina.

	Ft.	In.
Length of the Keel —	138	11
Length of Deck —	151	10
Extreme breadth —	39	4
Height of the Middle Port when victualled for four months }	8	0

My thanks are due to Colonel Gladstones and the other officers, passengers on board the Vernon store-ship, for their attention, particularly in assisting to secure the prisoners.

I am, Sir,
your most obedient,
humble servant,

CHA. M. POLÉ.

Killed in the Success, 1st; wounded 4.

From the LONDON GAZETTE.

St. James's, April 13.

The following intelligence was this day received from Buffora.

Buffora, Jan. 26, 1782.

The Governor of Bombay, under date of the 28th of October, confirms the victory gained by General Coote over Hyder Ally, of the 1st of July; at that time Sir Eyre's army did not exceed one thousand five hundred Europeans, and seven thousand Sepoys, but was afterwards joined by above five thousand men from Bengal, and was to march towards Arcot on the 14th of August.

The Dutch settlements of Sadras, Hulicat, and Bimlipatam, with some other places to the northward of Madras, and Chinsura in Bengal, were in the possession of the English. The Dutch Company's property was given to the captors, but the private property was preserved to the owners.

February 2, 1782.

By letters from the Governor of Bombay, of the 25th of November, it appears that General Coote had again defeated Hyder Ally in two several engagements, on the 27th of August, and 27th of September, and had advanced very near Arcot.

February 6, 1782.

On the 4th instant, at night, the Revenge, Company's frigate, arrived from Bombay, with letters down to the 22d of December, 1781, which contained the agreeable news of Hyder Ally having been driven into his own territories; and of the Dutch settlement of Negapatnam, their principal one on the coast of Coromandel, having surrendered to the Company's arms.

The following is a copy of Mr. Eden's letter to the Earl of Shelburne, which was so much discussed in the debate of Monday Apr. 8.

Downing-street, April 5, 1782.

MY LORD,

Having re-considered the conferences with which your Lordship
M m 2 yesterday

yesterday indu'ged me, I think that I ought specifically to state my reasons for having often declined your intimations to me to enter into opinions and facts respecting the present circumstances of Ireland, and the measures best to be pursued there. When I arrived in London, I had come prepared and disposed, and instructed to serve, most cordially, in the critical measure of closing the Lord Lieutenant's government, so as to place it with all practicable advantages in the hands of whatever person his Majesty's Ministers might have destined to succeed to it.

I pre-supposed, however, that either his Excellency would be recalled very soon, but not without the attentions which are due to him, his station, and his services; or that his Majesty's Ministers would assist and instruct him in first concluding the business of the session, and the various public measures and arrangements of some difficulty and consequence, which are immediately connected with it, and which cannot be compleated in less than four or five months.

Finding, however, to my extreme surprize, that the manner of giving the Lieutenancy of the East Riding to Lord Carmarthen, had been such as to amount to a marked and personal insult, when it is considered that the thing taken is merely honorary, and that the person from whom it is taken is an absent Viceroy; and hearing also from your Lordship, that the Duke of Portland is not unlikely to be made the immediate and actual messenger of his own appointment, I from that moment declined any communication respecting facts and measures; because this line adopted towards the present Lord Lieutenant, must in my opinion be fatal to the ease of his successors for a long period of time, and ruinous to all good government, and the consequent peace of Ireland.

Your Lordship has informed me, that this is not meant as a personal exertion of power against Lord Carlisle, but that his Majesty's Ministers have adopted this mode of removing the Lord Lieutenant as a wise measure of Government. I differ so totally in my judgment, that it would be idle in me to trouble them further respecting Ireland.

I shall, as the duty of my situation requires, wait on such of his Majesty's Ministers as are disposed to see me, and with that respect which is due to them, shall submit what I have here stated.

My next anxiety is to act as I believe Lord Carlisle would wish me to act, for his honour and the public service, two objects which cannot at this moment be separated. I am ready this evening or to-morrow morning, at any hour, to attend the commands of his Majesty's Ministers, either separately or collectively. To-morrow, at two, I shall go into the country on a visit of personal respect and private friendship; and on Monday, in the House of Commons, I shall state, as fully as a weak voice will permit, what I conceive to be the present circumstances of Ireland; I shall do this without any mixture of complaint, and with the most anxious regard to facilitate any subsequent system for the public tranquillity, I shall only wish to let it be implied by the world, from Irish facts, in contradiction to English treatment, that 'the present Lord Lieutenant of Ireland (I borrow his own words from his last letter to your Lordship) "has had the good fortune to conduct the business of Ireland, at a most critical period, without discredit to his Majesty's government, and with many increasing advantages to the interests of his kingdoms."

I have the honour to be, &c.

WM. EDEN.

The

The following is translated from the Hague Gazette Extraordinary of the 3d April 1782 :

Prince Gallitzin and Mons. de Marcoff, joint Ministers of the Empress of all the Russias, have presented, this day, to the States General, the following memorial :

" The underwritten, joint Ministers of the Empress of all the Russias, in consequence of the orders given them to accelerate, as much as in them lies, the salutary work of the mediation entrusted to her Imperial Majesty, think it their duty to lose no time to communicate to your High Mightinesses a copy of a letter written to Mons. Simolin, their Sovereign's Minister at London, by Mr. Fox, Secretary of State to his Britannic Majesty. It will convince your H. M. of the intentions of his B. M. to be sincerely reconciled to the republic, on the conditions by yourselves established, in your resolution of the 14th ult, by which you again accept of the Empress's mediation ; the preliminary concession, made on the part of Great Britain, concerning the principal article of the treaty of 1664, seems to level all the obstacles which had hitherto prevented your entering upon a negotiation for a final peace. If, in the interim, the proposal made in said letter, of a suspension of hostilities, should be thought conformable to the interest of the nation, nothing could be more so to the principles of humanity in general, which actuate the Empress, and to her private sentiments of benevolence and affection for this state ; especially as such a measure has the double advantage of preventing the useless effusion of blood ; and from this instant restoring to the republic, the enjoyments of the rights of freedom in trade and navigation, which fall to the share of neutral nations, and especially those that have acceded to the principles of the armed neutrality.

Full of confidence in the disposition equally peaceful, and conformable to the real welfare of the state, which your H. M. have always manifested in the most solemn and positive manner : the under-written flatter themselves, that you will not hesitate to make a proper use of the letter they have the honour to communicate, in order to take a quick and decisive resolution, that may tend to restore peace and harmony with your old friend and ally, upon terms as honourable as they are advantageous.

(Signed) P. GALLITZIN.
MARCOFF.

The following is a copy of the letter alluded to in the above memorial :

" Having laid before his Majesty an extract of the letter which you did me the honour, Sir, of communicating from Prince Gallitzin and Mons. de Marcoff, I have his Majesty's commands to inform you, that the King, desirous of testifying his intentions towards their H. M. and of renewing that friendship which has been so unfortunately interrupted between old allies, who ought to be united in the bonds of mutual interest, is ready to enter into a negotiation, for the purpose of setting on foot a treaty of peace, on the terms and conditions of that which was agreed to in 1674, between his Majesty and the Republic ; and that the better to facilitate the execution of a plan which his Majesty has so much at heart, the King is willing to give immediate orders for a suspension of hostilities, if, on their part, the Lords the States General should think such a measure suitable to the object in view.

" I am commanded by his Majesty to explain to you, Sir, his sentiments on so important a subject, and desire you will impart the same to the ministers of her Imperial Majesty to their H. M. that they may be conveyed, without the least delay,

to

to the ministers of the Republic; being of opinion that it is the most convenient step, with the mediation and good offices of her Imperial Majesty, to put an end to the scourge of that war, which unfortunately subsists between the two nations.

" I have the honour to be, &c.

(Signed) " C. J. Fox."

ARTICLES of CAPITULATION of the Islands of St. Christopher's and Nevis, between his Excellency the Count de GRASSE, the Marquis de BOUILLE, Major-General SHIRLEY, Governor, and Brigadier-General FRASER.

Article I. The Governor, the Commander of the troops, the regular officers and soldiers, the officers and privates of militia, shall march through the breach on the Fort of Brimstone Hill, with all the honours of war, with drums beating, colours flying, one mortar, two brass field pieces, ten rounds each, arms and baggage, and then lay down their arms at a place appointed, the officers excepted.

Art. II. The regular troops shall be prisoners of war, and sent to England in safe and good vessels, which shall be furnished with provisions for the voyage, but they shall not serve against the King of France until they shall be exchanged. The officers are permitted to reside in any of the Islands, upon their parole.—The militia and armed negroes shall return to their respective homes.

Art. III. The inhabitants or their attornies shall be obliged to take the oaths of fidelity to the King of France, within the space of one month, before the Governor of the said Islands, and those that are prevented from it by sickness, shall obtain a delay.

Art. IV. They shall observe an exact neutrality, and shall not be compelled to take arms against his

Britannic Majesty, or any other power. They are at liberty to retain their arms for the internal police and better subjection of their negroes; but they are to make a return of them to the Justices of the Peace, who shall be responsible for any bad use that may be made of them, contrary to the tenor of the present capitulation.

Art. V. They shall enjoy, until a peace, their laws, customs, and ordinances. Justice shall be administered by the same persons who are actually in office. All expences attending the administration of justice, shall be defrayed by the colony.

Art. VI. The Court of Chancery shall be held by the Council of the Island, and in the same form as heretofore, and all appeals from the said court shall be made to his Most Christian Majesty in council.

Art. VII. The inhabitants and clergy shall be supported in the possession of their estates and properties, of whatsoever nature and denomination, and in their privileges, rights, titles, honours and exemptions, and in the possession of their religion, and the ministers in the enjoyment of their livings. The absentees and those who are in the service of his Britannic Majesty, shall be maintained in the possession and enjoyment of their estates and properties, which shall be managed by their attornies. The inhabitants may sell their estates and possessions to whom they shall think proper, and they are at liberty to send their children to England to be educated, and from whence they may return when they judge proper.

Art. VIII. The inhabitants shall pay monthly into the hands of the treasurer of the troops, in lieu of all taxes, the value of two-thirds of the articles that the island of St. Christopher's and Nevis paid to the King of Great Britain; which he shall estimate according to the valuation of the revenues made in the year

1781;

1781, and which shall serve as a basis.

Art. IX. The stores which may have been taken during the siege shall be religiously restored, and they may also be reclaimed in any of the French Windward or Leeward Islands.

Art. X. The inhabitants shall not be obliged to furnish the troops with quarters, except in extraordinary cases; but they are to be lodged at the expence of the King, or in houses belonging to the Crown.

Art. XI. In cases where the King's business may require negroes to work, they shall be furnished by the inhabitants of the said islands, to the number of five hundred, but they shall be paid at the rate of two bills per day each, and victualled at the expence of the King.

Art. XII. The vessels and droghers belonging to the inhabitants at the capitulation, shall be restored to their owners.

The vessels which the said inhabitants expected from the ports of England, or from any of his Britannic Majesty's possessions, shall be received in the said colonies during the space of six months; and they may load them to return under neutral colours even for the ports of Great Britain, with the particular permission of the Governor; and if any of the vessels excepted shall stop at any of the English islands, the Governor shall be authorized to grant permission for them to come to either of the aforesaid islands.

Art. XIII. The inhabitants and merchants shall enjoy all the privileges of commerce granted to the subjects of his Most Christian Majesty, throughout all the extent of his dominions.

Art. XIV. Whatever may have been furnished for the French army during the siege, and to this day, by the said islands, and the losses that the inhabitants have sustained by the burning of plantations, and by every

other means, shall be estimated by a meeting of the inhabitants, and the amount equally borne by the two islands, under the head of contribution or indemnity for the expences of the war, but in such a manner, that this article shall not diminish the taxes above-mentioned, which are to take place from the date of the capitulation; but the assembly of the inhabitants may apply to it the arrears of the general taxes which remain in their hands at the date of the capitulation.

Art. XV. The sailors of merchant ships, those of privateers, and other individuals, who have no property in the said islands, shall depart from the same in the space of six weeks, if they are not employed in droghers, or avowed by two proprietors, who will answer for them, and means shall be furnished them to depart for the neutral islands.

Art. XVI. The General of the French troops shall be put in possession of all the artillery, all the effects depending on the colonies, belonging to his Britannic Majesty, all powder, arms, ammunition, and King's vessels shall be given to the commander of the French troops, and an inventory of them presented to the Governor.

Art. XVII. Out of respect to the courage and determined conduct of Generals Shirley and Fraser, we consent that they shall not be considered as prisoners of war; but the former may return to his government of Antigua, and the latter may continue in the service of his country, being happy to testify this mark of particular esteem for those brave officers.

At St. Christopher's,

Feb. 12, 1782.

LE MARQUIS DE BOUILLE.

THOMAS SHIRLEY.

(Gov. and Major General in his Majesty's army)

THO. FRASER, Brig. Gen.

It is moreover covenanted, that the inhabitants

inhabitants of these islands, with the permission of the Governor, may export their merchandize in neutral vessels, for all the ports of France and America.

(Signed as above.)

ARTICLES of CAPTITULATION between their Excellencies the Marquis de BOUILLE, Marechal de Camp, and Commander in Chief of his Most Christian Majesty's forces in the Windward Islands; and the Count de GRASSE, Marquis de Grasse-tilly, Lieutenant-general of the Naval Forces, Commander of the Military Order of St. Louis, and Commander in Chief of the Maritime Forces of his Most Christian Majesty in America, on the one part; and the Honourable JOHN RICHARDSON HERBERT, President of the Council, and Commander of the Island of NEVIS, of the other part.

As some of the terms hereunder proposed, may appear rather like asking too much indulgence, it may be proper to point out to the Commanders of his Most Christian Majesty's forces, that the situation of this old and long settled island differs materially in many respects from that of the southern and late settled islands, which have already, at different times, submitted to the arms of his most Christian Majesty; and particularly in the exhausted state of the soil, which produces little or nothing without the highest and most expensive culture, and likewise in the uncertainty of its seasons, by which the industrious planters are frequently disappointed in their most sanguine hopes; and for which reasons the inhabitants have no encouragement to raise ground provisions, and of course can have no certain internal resources for feeding their slaves, but are obliged to depend almost entirely on the regularity of their imports. Presuming, therefore, that these considerations will

have due weight, the following articles are proposed :-

1st. The forts and batteries, with all their ammunition, stores, &c. to be delivered to the proper officer appointed by the French General to take possession of them.

Granted.

2d. The militia to retire to their own houses. The officers and such as are members of the Council and Assembly to retain their swords and side arms.

The soldiers of the militia to deliver up their fire arms to the officers appointed to administer the oath of fidelity. The rest granted.

3d. That the inhabitants shall not be obliged to bear arms against the King of Great Britain, but, in case of an attack, to remain neuter.

Granted.

4th. The private property of the planters, merchants, and inhabitants in general, shall be sacred and inviolate, including all vessels and small craft belonging to the inhabitants of this island.

Granted, except the trading vessels and small craft, which shall be deemed good prizes.

5th. The Council to continue, and the Assembly to be chosen as usual, in order to have full power to regulate the internal police of the island, not inconsistent with the indispensable demands and exigencies of Government, which demands shall be levied and assessed in the most impartial manner by such legislative body.

Granted.

6th. The Judge and all Officers of the Civil and Criminal Courts of Judicature shall retain their offices, and justice shall be administered in the forms now established, particularly in that of Trial by Juries.

Granted.

7th. A Court of Chancery shall be established by commission from the Governor, to consist of the present Counsellors,

Counsellors, who shall hear and decide all causes and questions in equity, and whose decrees shall be as firm and valid as those of the present Chancellor, whose authority must of course expire.

Granted.

8th. Appeals to his most Christian Majesty shall be allowed as a dernier resort to all such suitors as may be dissatisfied with the judgment of the Colonial Courts.

Granted.

9th. All securities for money, as they now stand, to remain firm and valid, agreeable to the laws and customs of the island, and the public records to remain sacred.

Granted.

10th. Executors under wills, and Trustees under deeds, and mortgages in possession, shall continue to act with their full powers, agreeable to the established laws of the island.

Granted.

11th. The inhabitants shall have full power to devise and bequeath their estates and effects by will, agreeable to the established laws and customs of the island.

Granted.

12th. All British and other creditors shall be at full liberty to sue for and recover their just debts.

Granted.

13th. The established religion to be continued; the clergy to retain their benefices, and their salary of 16,000 weight of sugar, to be raised and paid in the same manner as usual.

Granted.

14th. The inhabitants shall have liberty to export the produce of their estates to other English islands, or to neutral ports in Europe or America, in neutral bottoms, on paying a certain duty to his most Christian Majesty, in the same manner as is now permitted to the inhabitants of Tobago.

Granted, except the export to English colonies.

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15th. The inhabitants shall have like liberty to import provisions and necessary plantation stores from English islands, or neutral ports, in neutral bottoms.

With permission of the King's Governor.

16th. That such ships already loaded on account of the inhabitants here, and probably on their way from England, which shall arrive before the first day of May next, shall be allowed to land the stores and provisions belonging to the different planters and merchants, and afterwards to retire unmolested with proper protections; as without such indulgence, the island, depending entirely on its supplies from Europe, may probably be reduced to a famine.

Granted, giving in the names of the vessels or their Captains.

17th. That the island be constituted a free port; a measure that will prove highly beneficial to its inhabitants, and no less advantageous to his most Christian Majesty.

Refused; because nobody but his most Christian Majesty can grant such favours.

18th. The island shall pay the same duties to his most Christian Majesty, on the exports of its produce, as are now paid to the King of Great Britain, which shall be collected in the same manner and proportion as heretofore.

Granted.

19th. Such absent proprietors as chuse it, shall have liberty to remain in Great Britain for the education of their children, or in consequence of their connections, with permission for their estates to be conducted by their attorneys properly authorised, as usual, for that purpose, and liberty shall be granted to every inhabitant to make the necessary remittances for the education of his children, or the support of any branch of their families residing in Europe.

Granted.

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20th.

20th. The breeding of large stock, particularly horned cattle, shall be encouraged as much as possible, and the destruction of them prevented. This may appear too trivial a request; yet, when the almost universal use of cattle-mills, and the absolute necessity of making a proper quantity of manure, is taken into consideration, it will be found an article of great moment towards making this conquest of value to his most Christian Majesty.

Granted; as far as the necessities of the hospitals and the army will permit.

21st. If at the peace the island shall remain in possession of his most Christian Majesty, such proprietors as chuse to quit the island may have liberty to dispose of their estates, negroes, and other property.

Granted.

22d. If the island, after peace, should remain in the possession of his most Christian Majesty, it shall be optional in the inhabitants either to retain their present form of government and laws, or to adopt those by which the other French islands are governed.

This can be granted by none but the King.

23d. That during the continuance of the war, and after the conclusion of a peace, if this island then remains under the dominion of his most Christian Majesty, it shall be considered in the same light with the most favoured of those which have already submitted to the Crown of France; an indulgence it is presumed to be intitled to, from the poverty of its soil, the precariousness of its seasons, and the embarrassed circumstances of many of its most valuable inhabitants.

Granted.

24th. Such slaves as shall have surrendered themselves, or have been surprized and detained on this oc-

sion, shall be restored to their respective owners.

Granted; unless taken with arms in their hands.

25th. All free mestizes, mulattoes and negroes, shall be secured in possession of their liberty and property.

As long as they do not disturb the public tranquillity: and shall be subject to the orders of the Governor in apprehending malefactors.

JNO. PINNEY,
J. TOBIN,

(Members of his Majesty's Council, deputed by the Honourable I. R. Herbert, President and Commander of the Island of Nevis.)

LE MC'S DE BOUILLE,

LE COMTE DE GRASSE,

The 14th January, 1782, on board the Ville de Paris, in the road of St. Christopher's.

Nevis, confirmed this 14th January, 1782.

JNO. RN. HERBERT.

A true Copy.

D. HENRY, Clk of Council.

A List of such ships and vessels as are meant to be included in the 16th article of the Capitulation, as nearly as it is possible to describe them, allowing for the change of ships and Captains, several of which are actually in part owned by the inhabitants of this Island.

1. A ship, name as yet unknown, commanded by Henry Webb, from Bristol, expected daily without convoy.

Vessels expected in the first and second convoy.

2. A ship, name as yet unknown, commanded by Thomas Courtin Chivers, from London.

3. A ship called the Boddingtons, commanded by Joseph Clark, from London.

4. A ship or brig, name as yet unknown, commanded by Charles Farrell, from London.

5. A

5. A ship, name as yet unknown, commanded by Thomas Hart, from London.

6. A ship named the Nevis Packet, commanded by John Goodwin, from London.

7. A ship named (supposed) the Tobin, commanded by William Cruden, from London.

8. A ship, name as yet unknown, commanded by Thomas Croffe, from London.

9. A ship called the Mary, commanded by William Stuart, from London.

10. A ship called the Bowland, Askew Hillcott, commander, from London.

11. A brig called the Maria, commanded by Capt. Thompson, from London.

12. A ship called the Merlin, Captain's name as yet unknown, from London.

13. A ship called the London, commanded by Capt. Hardy, from Bristol.

14. A ship called the Saville, Capt. Nicholls, from Bristol.

15. A ship or brig, which comes annually to this island from Glasgow, loaded with herrings, either with or without convoy; the name of ship and master uncertain.

It may be proper to observe, that it is usual for the Captains to insert the names of their Chief mates, instead of their own, in order to screen their second mates from being pressed; so that the REAL name of the Captain does not always appear in the ships papers.

N. B. The above is a List which has been given in to his Excellency the Count de Grasse, agreeable to the 16th article. The ships mentioned in it being of course entitled to the protection thereby granted, the Captains are therefore desired to wait either at Barbadoes, St. Lucia, or Antigua, till proper passes are procured for them.

Philadelphia, July 31.

Continuation of Letters found on board the British Packet, bound to New-York, but taken on her passage and carried into France.

Alamwick, February 28, 1781.

My Dear Sir Henry,

My late stay at this place has hindered me from personally conversing with those, from whom I should have liked to have been informed of the particulars of what is going on in your part of the world. I can however collect, from the letters you have been so kind as to send me, that things wear a more favourable appearance at present than they have done almost at any time since the commencement of these troubles, and that if you were only properly backed at home, and had troops sufficient to attempt something, things might do very well; I fear however, that there is very little hopes of receiving from hence such reinforcements as are necessary, to enable you to act offensively; and if the French are not otherwise occupied in Europe, I have no doubt of their sending powerful succours to Rochambeau this spring. I confess, I cannot conceive what we are about, not to have formed, long before this, proper alliances, in order, at least, to take off part of their force from annoying us. But, *entre nous*, I fear our cabinet either are not unanimous or not steady. One day it is settled that Rodney is to be sent for home, to command our channel fleet: then all this is countermanded again.—Our affairs with the Dutch are still in *statu quo*, and as we contrived at first setting out to publish a manifesto, and then do nothing, so we seem still to be continuing to go on.—Meadows and Commodore Johnstone were to be sent out directly to the East-Indies, but some how or another we have contrived to delay this business so long, that they are evidently too late for one part of the plan,

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plan, and I wish it don't prove they are too late for the whole of it. Our fleet too, which is to sail for the relief of Gibraltar, has been so long preparing, that I understand the French and Spaniards are fully prepared for it, having collected a great force to oppose it. Thus we seem, by some fatality or other, always to mis-time every operation. Indeed, notwithstanding our situation is so critical a one, we seem to interest ourselves much more about the fate of a French dancer, than the fate of this country.

So little encouragement is given to those who are able either to form or execute any plan for the good of the country, that unless some few, whose ambition makes them submit to every thing in order at all events to succeed to employments, others finding they can do no good, and only meet with indifference and neglect, give the point totally up. I am sorry I cannot enliven the remainder of my letter by sending you the entertaining adventures of London, but being here, I must leave that to Bill, and your other correspondents, who are nearer the metropolis: I long to see you amongst us here, and of presenting you to a fine rosy checked country girl.—But it must be upon condition that you do not spoil her.—Adieu, my dear Sir Henry; accept Lady Percy's best compliments and mine, and be assured I am ever, with most unfeigned regard,

Your sincere friend and humble
servant,
(Signed) PERCY.

[Lord Percy's remarks in this letter cannot fail to open the eyes of every Tory in America, unless he is determined to shut them against the clearest conviction. The picture he has drawn appears to be a good one, and when his character is considered, and the high estimation in which this class of people held him while in America, it is unnecessary to com-

ment on the other parts of his letter. We would only notice by the bye, that the fine rosy-cheeked country girl, mentioned in the latter part, is the first connubial pledge of the noble writer's second marriage, on whose birth we the more sincerely give him joy, as he appears to be entitled, from his candour and liberality of sentiment, to a regard which few of his countrymen can justly claim.]

An Essay on the Extent and Value of our Western unlocated Lands, and the proper method of disposing of them, so as to gain the greatest possible advantage from them.

By a Citizen of Philadelphia.

In my several treatises on finance, I have all along endeavoured to open and explain the great general principles of the subject, viz. Improvement of the revenue, and œconomy in the expenditures. In this essay I mean to confine myself to one particular source or object of public wealth, out of which great revenue may be obtained, by proper and timely wisdom and care, I mean *our vacant unsettled lands*. I will endeavour to arrange, as clearly as I can, what I have to say on this subject, under the following heads viz.

I. *The whole territory or extent of the Thirteen States is the aggravation of them all*, i. e. The territory or extent of each of the States added together, make the whole territory or extent of right and dominion of the United States, and of course whatever is comprehended within the boundaries of each State, now makes a part of our Commonwealth. This is to be considered as our present possession, our present decided right, which is guaranteed to us by the treaty with France, (Art. XI.) together with any "additions or conquests, which our confederation may obtain during the war, from any of the dominions now or heretofore possessed by Great Britain in North America."

America:" so that by conquest we may extend our dominion further, if we can, and in this case we shall have the guarantee of the treaty aforesaid for our security, but if this cannot be done, our present possessions are absolutely and unconditionally guaranteed to us, with liberty, sovereignty, and independence, absolute and unlimited, in and over the same; and as the great interests of France and our Commonwealth will always make the perpetual union of them necessary, so these powers united, will be able to afford such a sure mutual protection to the whole dominions of each other, as will render them wholly secure and free of danger from any other powers whatever; so that we may safely compute on all the advantages of our present possessions, and turn our thoughts on the ways and means of making the best of them, while at the same time we have a rich and valuable chance of acquiring by conquests new dominions, and having of course such new acquisitions covered by the same guarantee which now secures our present possessions. No body can pretend to deny, that our present possessions comprehend all the lands included within the boundaries of the Thirteen States, as the same existed at the time our independence first began, but it will be strongly urged that they cannot extend beyond them, so as to cover any lands not included within the bounds of some one of the States, unless we can make a claim to a further extent by conquest; indeed I do not see how we can otherwise support a claim to independence, sovereignty, and dominion over any thing which was not within our bounds at that time: therefore it follows, 1. That wherever we fix the exterior limit or bounds of any one of the States, there we fix the bounds of our Commonwealth, and it will be urged against us, that all be-

yond is not our territory, our right or dominion; and therefore, 2. It is our interest to extend the exterior boundary of each of our States as far as we fairly can, and of course any attempt (arising from envy or any little disputes) to abridge or reduce the limits of any of the States to lines short of their true extent, and prevent their covering the whole territory to which their original charters, or usual prescriptive titles gives them right, is the height of folly, and absurd policy, and operates directly against the great interests of the Commonwealth: and here I cannot but take notice of the madness, short-sighted policy, and *public mischief* of a late pamphlet, entitled *Public Good*, which by very weak and trifling arguments, attempts to limit the territory of Virginia, to a very inconsiderable part of its original and true extent. I think some note of disapprobation should be fixed on that treatise, lest it should be produced in some future debates, as a proof of the general sense of the States at this time.—There is indeed, as is well known, some obscurity of description to be found in all the ancient charters of these States, which by that means admit of a latitude of construction; but most of these are reduced to a determinate certainty, by subsequent acts, decisions, usages, &c.—and, I conceive, that for most obvious reasons.

II. *The boundaries of the several States are to be taken and ascertained from their original charters, with such construction as has obtained by subsequent usage, judicial decision, or any other acts of the Crown, or the inhabitants, which tend to give them a determinate and fixed definition.* If in any case no light can be drawn from such usage or subsequent acts, the particular boundaries must depend on the words of the charters, with such reasonable construction as shall give

give them their greatest effect, and be most adequate to the original intention of them, or in law language, *so ut res magis valeat quam pereat*: by which rule of construction, there can be no doubt but Virginia, having boundaries sufficiently fixed on the sea coast, is to extend West, and carry her breadth to the South-sea, or at least as far as the dominion of the crown extended, at the time when American independence first began. Two things are sufficiently clear, 1. That all the States are so bounded on each other, that there are no strips of land lying between any two of them: and, 2. That their Western boundary is the South-sea, or at least the Western boundary of the dominions of the Crown, at the commencement of our Commonwealth. So that the country or territory of the Thirteen States, is clearly bounded on the West as aforesaid; on the South, by the South Line of Georgia, (about N. lat. 30d 22f.); on the East, by the sea, including the islands lying in the offing of the coast; and North, by the North Line of the Province of Main, New Hampshire, and the Massachusetts's State, (about North lat. 45.); its length, North and South, is about a thousand miles; and its breadth, East and West, (if it extends no farther than the Mississippi river) about six hundred miles on the Southern part, and 1250 miles on the Northern part; the contents of which are somewhat more than 810,000 square miles; more than equal to those of France, Spain, Germany, and Italy, and much more valuable in respect of air, climate, soil, timber, fossils, fisheries, harbours, rivers, &c. with all conveniency for transportation, both by maritime and inland navigation. It is further to be noted here, that, with respect to Virginia, and some other governments, which either never had any charters, or whose charters have

been surrendered to the Crown, that the soil and jurisdiction of them were both in the Crown, and therefore the King even claimed right to make new grants of soil, and carve out and establish any new jurisdictions or governments which he thought expedient, and on this principle actually did carve Maryland and part of Pennsylvania out of Virginia; how justly I am not to say; but this does not hinder Virginia from taking her departure from her true Northern boundary on the sea coast, and covering all the lands within her limits (not included in these cava- tures) to her utmost Western boundary.

It is indeed to be observed here, that ascertaining the boundaries of any State, does not prove the title or right of such State to all lands included within such boundaries.— There is a distinction to be made between those lands which have been alienated by the Crown, the title of which at the date of our independence was not in the Crown, but vested in particular persons, either sole or aggregate, and those which remained in the Crown, the title of which the Crown then held in right of its sovereignty, which was a right vested in the supreme authority, in nature of a trust for the use of the public. There is no doubt but every right and title of all persons and bodies politic, are as effectually secured and confirmed to the owners, to all intents and purposes under the Commonwealth, as they were formerly under the Crown; but it cannot be admitted that any individual or particular bodies politic should acquire new rights by the revolution, to which they were not entitled under the Crown, i. e. each State has right to claim, hold, or alienate whatever property or estate it had right to obtain, hold, or alienate, whilst it was a colony under the Crown; but cannot have right

to claim, hold, or alienate any estate, the claim, tenure or alienation of which was then the right of the Crown; but every such estate being then held by the Crown in right of sovereignty, or its supreme power, in trust for the use of the whole community or body politic, of which it was the supreme power, must pass, by the revolution, into the supreme power of our Commonwealth, i. e. into the Congress, and be vested in them in trust for the public use of the body politic, of which they are the supreme power, and the right of tenure and alienation must be vested in them alone. Indeed in all revolutions of government which have ever happened in Europe, and perhaps in the whole world, all Crown lands, jewels, and all other estate which belonged to the supreme power which lost the government, ever passed by the revolution into the supreme power which gained it; and all such estate always became vested in the latter occupant, in the same condition and under the same limitations to which it was subject under the tenure of the former occupant; nor can I see the least pretence of reason, why we should depart from a rule of right grounded on the most plain and natural fitness, adopted by every nation in the world under like circumstances, and justified and confirmed by the experience and sanction of ages. I think that nothing but our unacquaintedness with the heights to which we are risen, the high sphere in which we now move, and an incapacity of viewing and judging of things on a great scale, could give rise to so extravagant an idea, as that one State should be more entitled than another to the Crown lands, or any other property of the Crown, which ever was in its nature public, and ought to continue so, or be disposed of for the use and benefit of the whole public community; or that one State should

acquire more right, or property, or estate than another, by that revolution which was the joint act, procured and perfected by the joint effort and expence of the whole. We have too long and too ridiculously set up to be wiser than all the world besides, and too long refused to be instructed by the experience of other nations.

III. The vast territory of the Thirteen States above described, and containing something more than five hundred millions of acres of land, is mostly wild and uncultivated, a strip only adjoining to the sea, and not containing more than one-third, or at least two-fifths of the whole, and that by far the poorest part of the soil, is any how become private property; the rest remains a large extent of the richest lands in the world to be disposed of in future times; and the part which I call settled, is so far from being filled with inhabitants, that it does not contain more than one tenth part of the people which the soil in a state of perfect cultivation would support; the frontiers are every where thinly settled, and of course very liable to the incursions of the enemy, and very difficult to defend.

IV. Six only of the States have a large Western extent, viz. Massachusetts, Connecticut, Virginia, North and South Carolina, and Georgia; the other seven are limited within much narrower bounds.

V. Though the title and right of the said six States to their whole western extent are indisputable, yet the preservation and use of it is secured to them, and the whole must forever be defended by the arms and at the expence of the States-General. The quotas of this expence ought to be proportioned to the value and extent of the thing secured and defended by it, *Qui sentit commodum, sentire debet, quoque onus*; but if the quotas of the said six States should be increased

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in proportion to the great extent of their territory, or even the value of the same, it would bring such a very pressing weight on the present inhabitants as might be beyond their strength, or at least very inconvenient to them : for here it is to be considered, that the expence of the war is not to be estimated merely by the cash it has cost, but the devastations of the enemy, the loss of lives, &c. are to be brought into the account ; and when the estimate comes to be made on these principles, it will rise very high on such parts of the interest defended as could lose no lives, because it had no inhabitants, and was incapable of devastation, because it had no improvements which could be destroyed ; besides, as all the states have exerted themselves with equal ardour, danger, and effort in carrying on the war, 'tis but reasonable they should all share alike in the advantages resulting from it. To these might be added many more strong reasons why the said six States should cede or grant their Western uncultivated lands to the States-General, to remain a common stock, till they can be disposed of for the good of the whole. But I deem it needless to urge this matter farther, because I am informed that a general conviction of the expediency of this measure prevails through all the States, and that it is freely agreed, on the part of the said six States, to make a cession or grant of them to the States-General, as above-mentioned, and that the same will soon be done. We will suppose then that this is done, and the right and title of these Western uncultivated lands vested in the States-General, what is to be done with them, i. e. how are they to be managed, in order to obtain the greatest national benefit possible from them ? Some people think we ought to sell or mortgage them to foreign States, for money in

our present distress. But I have many reasons against this method ; the first is, that it is capable of the most demonstrative proof, that no importation of money can help us, even if it was given to us, much less if our lands are to be mortgaged for it.—We are in more danger from the plenty of money coming from all quarters in upon us, than from any scarcity of it ; our salvation must arise from the wealth and virtue which abounds in the country, not in hunting abroad for money : besides, I abhor the very idea of strangers having their paw on any of our lands in any shape whatever ; and further, they would bring mighty little in this way, i. e. very little present benefit, though enough of future trouble ; it would be like killing the goose that laid an egg every day, in order to tear out at once all that was in her belly. But every idea of this sort is painful to me, I wish not to dwell longer on it, but beg leave to propose a method which appears to me more for our advantage.

1. Let the ceded territory be divided from the unceded, by the plainest lines, and let it be kept in its present uncultivated state, and preserved from the intrusion of any settlers whatever, by the most rigid and effectual prohibitions, till the lands adjoining are fully settled ;—then,

2. Survey out townships of six, eight or ten miles square, contiguous to the settled country, and sell the lands at vendue to the highest bidder, on the following conditions : 1. That none be sold for less than a Spanish dollar per acre.—2. That every purchaser be obliged to settle and improve his purchase within two or three years, or forfeit his lands ; the particular regulations of which should be published at the time of sale, and be rigidly executed ; and when the first course or tier of townships

ships are sold, and the settlement of them secured, lay out another tier, sell them in like manner, and so on through the whole. This method will have the following advantages, viz.

1. All the lands sold, will bring at least a dollar per acre: and if we admit, as above computed, that three hundred millions of our western territory to become the public property of the States General, and allow one million of acres for lakes, ponds, beds of rivers, barrens, &c. there will remain two hundred million acres of good land to be sold; which, at a dollar per acre, will produce two hundred millions of hard dollars for the treasury of the United States; the annual interest of which, at five per cent. will be ten millions of dollars per annum, a sum much more than sufficient to defray the whole public expences of the Thirteen States, in a time of peace, and of course a large surplus to be laid up for a time of war.

2. This method will push our settlements out in close columns, much less assailable by the enemy, and more easily defended; there will be people here for defence near the frontiers; they will have the inducements of a near interest to animate them to the service; their course of life and acquaintance with the country, will render them much more fit for the service, than people drawn from the interior parts of the country; and the necessary force may be collected and put into action much quicker, and with much less expence, than if the same was drawn from distant parts. These, and many more and great advantages will naturally result from our pushing out our settlements in close columns, which cannot be expected or hoped for, from a vastly extended frontier thinly inhabited, add to this, that every new beginner makes his first improvement in company of near

neighbours, and at but small distance from older settlements, much more easily than he could do alone in the wilderness, where he could receive no helps from his neighbours, let his necessity be ever so great.

3. This method would obviate one abuse very hurtful to new settlements, most injurious to the individuals who first migrate and bear the hardships of first cultivation, and greatly retards the population and improvement of a new country, viz. Large quantities of land lying unimproved in the hands of non-residents, or absentees, who neither dwell on the land, or cause it to be cultivated at all, but their land lies in its wild state, a refuge for bears, wolves, and other beasts of prey, ready to devour the produce of the neighbouring farmers, bears no part of the burden of first cultivation, and keeps the settlers at an inconvenient distance from each other, and obstructs the growth and riches of the townships in which it lies; whilst the owner, by the rise of the land, makes a fortune out of the labour and toils of the neighbouring cultivators. This is a most cruel way of enriching one man by the labour of another, and so very hurtful to the cultivation of the country, that it ought to be restrained by the most decisive measures.

4. This method will give every inhabitant of the Thirteen States an equal chance of availing himself of any advantage of procuring lands for the accommodation of himself or family; whilst, at the same time, the ceding state will reap great benefit from the produce and trade of the adjoining settlements, which will, at the same time, become a secure barrier to their frontiers, against the incursions of an enemy on that side.

5. In this method we can extend our laws, customs, and civil police, as fast and as far as we extend our settlements; of course our frontier people

people will enjoy every benefit of civil society, and regular administration of justice; which can't take place with equal perfection in the great extent of a thin settled frontier.

6. Another thing very necessary to be observed in the whole management of this affair is, *to cultivate a good and friendly correspondence with the Indian natives, by a careful practice of justice and benevolence towards them.* They are an innumerable race of people, probably extending over a vast country to the West Seas, and very great advantages may be derived from their trade, if we can gain and preserve their confidence. Whereas no body ever yet gained any thing by an Indian war. *Their spoils are of no value; but their revenge and depredations are terrible. It is much cheaper to purchase their lands, than to dispossess them by force; and justice in all cases is more profitable than violence and wrong.* It may be noted here, that many inhabitants are already on the lands supposed to be ceded. What is to be done with them? I answer—If their continuance is matter of uneasiness to the Indians, and is likely to produce broils with them, they are by all means to be removed. For it is unreasonable that the public tranquillity should be endangered for the sake of the convenience of a few people, who, without the least pretence of right, have fixed themselves down on lands not their own. But notwithstanding this, if their continuance will not endanger the public security, let them keep their possessions on express condition, viz. That, when the townships in which their possessions shall be included when the future surveys shall be made, shall be sold, they shall pay as much for their lands as the other purchasers of the same township pay on an average for theirs, excluding every idea of favour, to which they

may think themselves entitled for their first migration and cultivation. For I esteem all this very wrong, and injurious to the public, which rather deserves punishment than reward. But there is another objection more forcible, which, I suppose, will be pretty readily made to my scheme, viz. All the benefits of this scheme are future, are a great way off; but we want present supplies, to relieve the present necessities of our country. This was Esau's argument when he sold his birth-right for a mess of pottage, and is certainly a very good one, when really grounded on fact; for no doubt a man had better give his whole fortune for one meal of victuals, than starve to death for want of it; but I think wise men will examine this fact very closely, and be very decidedly convinced, that the *supposed* present necessity is really great enough to induce us to forego all the forementioned advantages for the sake of the pittance, the trifle, of money which those lands would now bring, if sold or mortgaged at present, for the utmost they would bring, attended with all the shocking and mortifying disadvantages of giving any foreigners a footing in our country, and a claim upon our most essential and central interests. But I think the objection itself is grounded on an error; for I think the present advantages resulting from my plan greater than could arise from any kind of mortgage or alienation of these lands; for I consider them like a rich, valuable, and sure reversion, which never fails to give the owner a great estimation, credit, and respectability in the eyes of his neighbours, though he receives no pecuniary of present profits; but if this reversion was sold or mortgaged for a trifle, and soon dissipated, (as doubtless would be our case) the owner would appear in a light more contemptible, and in every view much

much more disadvantageous than if he had never owned the right. It can't be too often repeated, that *we are not capable of being saved, or even helped, by the Importation of Foreign Money*; it will destroy our industry, it will introduce luxury; the increase of quantity, and ease of acquirement will depreciate it, and thereby defeat its own uses. This is as true as the diurnal rotation of the earth, but, like it, not obvious to the perceptions of every mind.—Unhappy for us! the nature of money, and the radical essence of the public finance, depend on principles too latent for easy comprehension; and what makes the matter more dangerous, like many delusive appearances in the natural world, they seem to be perfectly easy and obvious, when they are least understood; and therefore it has been observed in all ages, that they work like magic under the direction of unskilful men, ever producing effects the least expected, as well as failing of those most sanguinely computed upon; their operations, like other doctrines which depend on an infinity of relations, are governed by so many co-operating causes, that their delineation is very difficult, and their demonstration intricate, and not to be understood without a long and deep attention; they make a part of the great law of proportions, which Nature never fails to regulate and adjust with perfect exactness, but which the greatest and strongest intellects, with the most nervous attention, can but imperfectly comprehend. Therefore in this, as in all other branches of physical knowledge, our safest cue and surest principles must be drawn from experiment. But to return to my subject. I do not apprehend the actual pugnancy of profits from our western lands, when disposed of according to my plan, so very distant as many may imagine. The argument of

analogy, from what has been to what will be, is generally allowed to be a good one. If, therefore, upon this rule of reasoning, we may suppose that the increase of population in our country shall continue the same in time to come, as we have experienced in time past, viz. That the number of souls double once in twenty-five years, it will appear very probable that our own eyes may live to see the commencement of a great demand and rapid sale of our western territory. The number of souls in the Thirteen States in 1775, was generally computed at three millions. (Some people of great observation were of opinion, this number was much exceeded.) On the aforesaid scale of computation, the number of souls in these states, at the end of the next century, will amount to ninety-six millions, enough to extend over the whole territory of our commonwealth, and more than Spain, France, Germany and Italy now contain.

7. I will here subjoin one thing more, which may perhaps be thought worthy of some consideration, viz. That in surveying and granting the western lands, all saltlicks and mines of metallic ores, coals, minerals, and all other valuable fossils, (in all which the country greatly abounds) may be reserved and sequestered for public use: a great revenue may grow out of them; and it seems unreasonable that those vast sources of wealth should be engrossed and monopolized by any individuals. I think they ought to be improved to the best public advantage, but in such manner, that the vast profits issuing from them, should flow into the public treasury, and thereby ensure to the equal advantage of the whole community.

The foregoing considerations open to view such great objects, such prospects of vast population and national wealth, as may at first sight appear
O o 2 chimerical,

chimerical, illusory, and incredible. A great minister of state was formerly so astonished at the very mention of the vast supplies predicted by the prophet Elisha, that he, with amazement mixed with unbelief, exclaimed, "*If the Lord would make windows in heaven, might this thing be!*" But I mean to subject this essay to the most rigid examination. Please to review every proposition, and closely examine every argument and inference I make, and if they do not justify the conclusion, reject them; but if you find the facts alledged, true, the propositions just, and the inferences fairly drawn, don't start at your own good fortune, or shrink from the blessings which Heaven pours on your country. The boundaries herein described, by which the contents of our territories are computed, are taken from Mitchell's map, published in 1775, at the request of the Lords Commissioners of Trade and Plantation, and is chiefly composed from draughts, charts, and actual surveys of different parts of the English colonies and plantations in America, great part of which has been lately taken, by their Lordships orders, and transmitted to the Plantation Office, as is certified by John Pownall, Secretary of said office, and is perhaps a map of the best authority and greatest accuracy of any extant. The facts are of public notoriety. The computations are all made on obvious principles, and may be corrected by any body, if wrong. The sentiments are my own, and are cheerfully submitted to the most rigorous scrutiny that can consist with truth and candour. The subject is very large; I don't pretend to exhaust it, or that this essay is a finished piece; it is a sketch only, a draught of outlines, which, I hope, will be allowed to deserve at least a candid attention. I wish it might be sufficient to produce a full conviction, that it cannot be the

interest of the United States either, 1st, to suffer such vast and valuable blessings to be ravished from us by our enemies; or, 2d, to consent to their being sold and alienated to foreigners, for any little, trifling present considerations; such foolish bargains must originate in very narrow views of the subject, and terminate in shame and loss, and in every stage be marked with mortification, disputes and embarrassment.

I will conclude, by just observing, that this essay is wholly confined to one branch only, to one single resource of our public revenue, only one item of our national wealth; an income vast indeed, not drawn at all from the purses of the people, but capable of being so conducted, that every individual who chooses to be interested in it, may find a good profit resulting from the concern. I don't doubt but if the whole great subject was properly surveyed by a mind capable of such reflections, many other sources of revenue might be found, of vast utility to the public, and in no sense injurious, but highly profitable to individuals. So to graft the revenue on the public stock; so to unite and combine public and private interest, that they may mutually support, feed, and quicken each other, is the secret art, the true spirit of financiering; but we must never lose sight of this one great truth, viz. That all resources of public wealth and safety, are only materials put into our hands for improvement, and will prove either profitable or hurtful, according to the wisdom or folly with which they are managed. Ruin may grow out of national wealth, as well as from national poverty. Perhaps it may require more great and good talents to support an affluent fortune than a narrow one. Affluence has at least as many dangers as indigence. All depends on the characters of the men who manage them. The happiness
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and wretchedness of nations depend on the abilities and virtue of the men employed in the direction of their public affairs. And I pray God to impress a due sense of this great and most important doctrine on the minds of all electors and others, concerned in the appointment of public officers.

Philadelphia, Feb. 17, 1781.

From the BOSTON CHRONICLE.

America has not only produced great military characters, but exhibited many striking instances of humanity and generosity in the present war. Among the last we may place the treatment given to Major Andre, a British spy, who came within our works with a design to ruin our country. Justice was indeed executed, and Andre died: But justice was executed with humanity, and every alleviation afforded him that the public safety would allow: The generous Americans seemed to forget the nature of his attempt, in the regard they paid to his accomplishments as a *Man* and a *Soldier*: And he was supported in his last scene by seeing respect and compassion towards him in every countenance, and in every action of those into whose hands he had fallen.— But while we pay the debt of humanity to our enemies, let us not forget what we owe to our friends. About four years ago, Capt. HALE, an American officer, of a liberal education, younger than *Andre*, and equal to him in sense, fortitude, and every manly accomplishment, though without opportunities of being so highly polished, voluntarily went into the city of New-York, with a view to serve his invaded country.— He performed his part there with great capacity and address, but was accidentally discovered. In this trying circumstance he exhibited all the firmness of *Andre*, without the aid of a single countenance around him

that spoke either respect or compassion, and though every thing that was said or done to him was adapted to make him feel that he was considered as a traitor and a rebel.— Andre appeared great in not contesting the clear grounds upon which he was condemned, and in refusing to employ the absurd and frivolous pleas that Clinton would have put into his mouth. Hale, though not at all disconcerted, made no plea for himself, and firmly rejected the advantageous offers made him by the enemy upon condition of his entering into their service. Andre earnestly wished the mode of his death might have been more like that of a soldier; but consoled himself by observing, that in either way it would be “but a moment’s pang.” Hale, calm and collected, took no notice of either of those circumstances.— Andre as he was going to die, with great presence of mind, and the most engaging air, bowed to all around him, and returned the respect that had been, and was still paid to him; and said, “Gentlemen, you will bear witness that I die with the firmness, becoming a soldier.”—Hale had received no such respects, and had none to return; but just before he expired, said, aloud, “I am so satisfied with the cause in which I have engaged, that my only regret is, that I have not more lives than one to offer in its service.”

Let justice be done to the character both of the Briton and American, and to the behaviour of their respective nations, upon this and similar occasions.

From the Pennsylvania Packet.

Christ Church Parish, April, 3, 1781.

SIR,

I herewith inclose you two letters, which I have received from Lieutenant-colonel Balfour, commandant in Charles-Town, with my answers, which I beg the favour you will do me

me the honour of laying before Congress for their information. I have the honour to be, your most obedient, humble servant,

WILLIAM MOULTRIE, B. G.
Honourable Samuel Huntington, Esq.
President of Congress.

(Copy.)

Charles-Town, March 1781.

SIR,

I take this opportunity to transmit for your information, the proceeding of a court of enquiry, held here, in consequence of which Lieutenant-colonel Grimkie and Major Habersham are committed close prisoners, until Lord Cornwallis's pleasure shall be known; on perusing these proceedings, the lenity of British officers, must forcibly strike you, as it must come within your own knowledge and feeling, that breaches of parole have heretofore been overlooked, and their justice, if it were now necessary, will be fully evinced, in Mr. Place being dismissed from his office. You will be so good as to return the original letters, which accompany these proceedings.

I am now to address you on a subject, with which I am charged by Lord Cornwallis, who, having in vain applied to General Greene for an equitable and general exchange of prisoners, finds it necessary, in justice to the King's service, and those of his army, who are in this disagreeable predicament, to pursue such measures as may eventually coerce it; and his lordship has consequently ordered me to send all the prisoners of war here, forthwith to some one of the West-India islands, which I am particularly directed to inform you, cannot be delayed beyond the middle of next month, and for this purpose, the transports are now allotted, of which an account will soon be transmitted to you.

I am sorry to add, that the treatment our militia received, when

made prisoners by Brigadier-general Marion, is such, as unless speedily redressed, will compel me, in justice to those unhappy persons, to a severe retaliation: and in that case, I shall be obliged to separate the militia from the continental prisoners of war. I am Sir, your most obedient, humble servant,

(Signed) N. BALFOUR.

Brig. gen. Moultrie.

(Copy)

Christ Church Parish, March 31,
1781.

SIR,

I received your's yesterday evening, dated March, sine die, 1781, with the proceedings of a court of enquiry, ordered on Lieutenant-colonel Grimkie and Major Habersham, and several letters relating thereto; and find every clause of so much consequence, that I could expatiate very largely on each, but my being a prisoner prohibits me; I shall touch slightly upon them, and leave the rest to those who are more at liberty. You inform me Lieutenant-colonel Grimkie and Major Habersham are close prisoners until Lord Cornwallis's pleasure shall be known; I observe "the court is of opinion they are guilty of breach of their paroles, in corresponding, by letters, with a man not in the King's peace, and who is at Beaufort." I am informed the court were of opinion, that the letters contained nothing criminal or of bad tendency: if merely the writing a letter is to be construed as a breach of parole, I believe there is scarce an officer in the British or American service, who have been prisoners any considerable time, but what has violated his parole. I am much at a loss to recollect any breaches of parole that have been overlooked; my feelings cannot point them out to me. I herewith return the original letters which you require.

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The subject of your next clause is of a very serious nature, and weighty consequence indeed: before I enter particularly into that, I must request you will be so kind as to inform me, whether you deem the capitulation dissolved; you tell me Lord Cornwallis has frequently applied to General Greene for an equitable exchange of prisoners; I can also assure you, that General Greene, in a letter to General M'Intosh mentions, that he proposed such a measure to Lord Cornwallis; and I can also assure you, that by a letter from a delegate in Congress we are warranted to say, that Congress has proposed a plan for a general exchange, which Sir Henry Clinton approved, and signified to General Washington his readiness to proceed on it, and for ought we know is at this moment taking place; however, the sending us to the West-India islands cannot expedite the exchange one moment, neither can the measure alleviate the distress of those of your officers who are prisoners, as you must be well assured such treatment as we receive will be fully retaliated by General Washington.

I am sorry to hear General Marion should use any prisoner ill; it is contrary to his natural disposition; I know him to be generous and humane. Before you proceed to extremity, I must request you will permit me to send an officer to General Greene, with a copy of your letter and the proceeding of the court, with the letter relative to Lieutenant colonel Grimkie and Major Habersham for his inspection. I am, sir, your most obedient, humble servant,

(Signed)

WM. MOULTRIE, *Brig. gen.*
Lieut. col. Balfour commandant, &c.

Charles-Town, April 2, 1781.

SIR,

In reply to your letter of the 31st

ultimo, though it is impossible to permit an officer to proceed with your dispatches to General Greene, yet, I have no objection to sending a flag of truce, as soon as possible, to that officer with any letters you may send over here; and as in respect to the prisoners of war being sent to the West-Indies, I act only in consequence of Lord Cornwallis's particular directions, the propriety of such a measure will more properly become an object for the discussion of his Lordship, and General Greene, and I shall therefore defer acting on it in the last instance, until you shall receive the result of their communication.

I am, Sir, your most obedient,
humble servant,

(Signed) N. BALFOUR.

Brig. gen. Moultrie.

Christ Church Parish, April, 3, 1781.

SIR,

I am to acknowledge the reception of yours, of yesterday's date, and as I cannot be permitted to send an officer to General Greene with my dispatches, I have sent them down for your perusal, and request the favour you will forward them. I am also to request, that I may be permitted to send to Congress your letters and my answers, relative to the sending the continental and militia prisoners of war to the West-Indies; which if you agree to I have sent down to be put immediately on board the flag going to Philadelphia, that she may not be detained one moment on that account. I am, Sir, your most obedient humble servant,

(Signed)

WILLIAM MOULTRIE, B. G.
Lieut. col. Balfour, commandant, &c.

*Torbay Prison-ship, Charles-Town
harbour, May 23, 1781;*

SIR,

The inclosed papers, viz. a letter from the commandant at Charles-Town,

Town, to the prisoners on board this ship, our two letters in reply, a list of our names, and our letter to General Greene, being so interesting to us, as to excite a desire of their speedy conveyance to his excellency, the President of Congress, we therefore take the liberty of recommending them to your care. Wishing you a pleasant passage, we rest your very obedient servants,

JOHN BADDELY,

JOHN NEUFVILLE, junr.

Lieut. col. Scott.

Charles-Town, May 17, 1781.

GENTLEMEN,

Several * prisoners on parole, having been this day taken up, and sent on board ship, the motives for which are explained in the inclosed copy of a letter to them, I am directed by the commandant to desire you will insert the same in your next paper, for the information of the public. I am, Gentlemen, Your most obedient servant,

H. BARRY. Secretary, and D. A. General.

Messrs. Wells, and son, printers to the King's most excellent Majesty.

Charles-Town, May 17, 1781.

GENTLEMEN,

Many have been the representations which the outrages committed by the American troops, and their violations of all the humaner principles of war, have compelled me to make to such of their officers as commanded parties in this province: but more particularly have I been obliged to remonstrate against the rigorous treatment, in many cases extending to death, which the loyal militia, when made prisoners, most invariably experience.

These representations, gentlemen, having been grounded on the truest principles of benevolence, and which

it behoves each side, equally to have advanced, I was as much surprized as I was mortified, to find them in all cases practically disregarded, and in many, wholly neglected. It is therefore become my duty, however irksome to myself, to try how far, a more decided line of conduct will prevail, and whether the safety of avowed adherents to their cause, may not induce the American troops to extend a proper clemency to those, whose principles arm them in defence of British Government.

Induced by these motives I have conceived it an act of expediency to seize on your persons, and retain them as hostages for the good usage of all the loyal militia, who are, or may be made prisoners of war, resolving to regulate, in the full extent, your treatment, by the measure of theirs, and which my feelings make me hope, may hereafter be most lenient.

And as I have thought it necessary, that those persons, who some time since were sent from hence to St. Augustine, should, in this respect, be considered in the same point of view as yourselves, I shall send notice there, that they be likewise held as sureties, for a future propriety of conduct towards our militia prisoners.

Reasons so cogent, and which have only the most humane purposes for their objects, will, I doubt not, be considered by every reasonable person, as a sufficient justification of this most necessary measure, even in those points where it may militate with the capitulation of Charles-Town: though indeed, the daily infractions of it, by the breach of paroles, would, alone, well warrant this procedure.

Having been thus candid in stating to you the causes for this conduct, I can have no objections to your

* 130 Prisoners on parole, exclusive of others, brought on board afterwards.

your making any proper use of this letter you may judge to your advantage, and will therefore, should you deem it expedient, grant what flags of truce may be necessary to carry out copies of it to any officer commanding American troops in these parts, and in the mean time the fullest directions will be given, that your present situation be rendered as eligible, as the nature of circumstances will admit. I am, Gentlemen, Your most obedient humble servant,

(Signed) N. BALFOUR.

*To the militia prisoners of war
late on parole in Charles-Town,
now on board a prison ship.*

*Prison-ship, Torbay, Charles-Town
harbour, May 18, 1781.*

In conformity to your letter of yesterday, we embrace your offer of forwarding a copy of the same, together with a roll of the prisoners on board this ship, and a letter-addressed to Major General Greene, all which are inclosed. We could wish one of our number might be suffered to attend the flag of truce. We are, sir, Your most obedient, humble servants,

STEPHEN MOORE, Lieut. col.

JOHN BARNWELL, Major.

*In behalf of ourselves and 130 other
prisoners.*

Lieut. col. Nisbet Balfour.

*Torbay Prison Ship, off Charles-
Town, May 19, 1781.*

SIR,

Yesterday we transmitted to you a letter (inclosing a copy of your's, with a list of one hundred and twenty-nine prisoners of war, confined on board this ship,) which we hope is forwarded to Major-general Greene, agreeable to your promise, and make no doubt but that your feelings, as a gentleman, will, upon this occasion, induce you to do every thing in your

power, to liberate from a most injurious and disagreeable confinement, those against whom there can exist no charge of dishonour, and whose only crime (if such it can possibly be termed by men of liberal ideas) is an inflexible attachment to what they conceive to be the rights of their country, and who have scorned to deceive you by unmeaning professions. In justice to ourselves we must say, that if the Americans have at any time so far divested themselves of that character of humanity and generosity, which have ever distinguished them, we feel ourselves most sensibly mortified, but are induced, from the generous treatment of Colonels Lechmere, Rugely, Fenwicke, and Kelsall, and their parties, and from a number of other instances which might be easily adduced, to believe, that the outrages which you complain of, must be the effect of private resentment, (subsisting between British subjects, and those who, after having availed themselves of the royal proclamation, have resumed their arms, in opposition to that government) and totally unsanctioned by any American officer, and which we are well convinced they would reprobate and would punish in the most exemplary manner, could the perpetrators of such horrid acts be detected.

In a war, circumstanced as the present, there will be some instances of enormities on both sides. We would not wish to particularize, but do not not; there is a great deal of cruelty frequently committed by the irregulars of your army, and are convinced that on your part, as well as on our own, they are generally to be attributed to an ignorance of the rules of warfare, and want of discipline; but the ideas of obtaining insensible custody as hostages a number of men, fairly taken in arms, and entitled to the benefits of a solemn capitulation, is so repugnant to the laws of war,

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and

and the usage of civilized nations, that we apprehend it will rather be the means of encreasing its horrors, than answering those purposes of humanity you expect.

As a most strict adherence to the terms of our paroles, and a firm reliance on your honour, have been the only reasons of our being in your power at present, we trust, that upon equitable proposals being made for our exchange by Gen. Greene, no objections will be raised, but every thing done, to bring the matter to the most speedy issue.

As you have thought proper to publish your reasons for seizing upon our persons, we request our answer may also be inserted in the next Gazette.

We are, Sir, your most obedient humble servants,

(Copy) (Signed)

STEPHEN MOORE,
JOHN BARNWELL,
SAMUEL LOCKHART,
JOHN BADDELEY,
BENJAMIN GUERRARD,
CHARLES PINKNEY, jun.
in behalf of the whole.

*Lieut. Col. Balfour,
Com. of Charlestown.*

Prison-ship, Torbay, Charlestown-harbour, May 18, 1781.

We have the honour of inclosing you a copy of a letter from Colonel Balfour, Commandant of Charlestown, which was handed us immediately on our being put on board this ship; the letter speaking for itself, needs no comment; your wisdom will best dictate the notice it merits. We would just beg leave to observe, that should it fall to the lot of all, or any of us, to be made victims, agreeable to the menaces therein contained, we have only to regret that our blood cannot be disposed of more to the advancement of the glorious cause to which we have

adhered. A separate roll of our names attends this letter.

With the greatest respect, we are, Sir, your most obedient, and most humble servants,

STEPHEN MOORE, Lieutenant-colonel North-Carolina militia,

JOHN BARNWELL, Major, South-Carolina militia, for ourselves, and 130 prisoners.

Major-general Greene.

On board the prison-ship Torbay.

William Axon, Samuel Ash, Geo. Arthur, John Anthony, Ralph Attmore, John Baddeley, Peter Bone-theau, Henry Benbridge, Joseph Ball, Joseph Bee, Nathaniel Blundell, James Bricken, Francis Bayle, William Basquin, John Clarke, jun. Thomas Cooke, Norwood Conyers, James Cox, John Dorsius, Joseph Dunlap, Revd. James Edmunds, Thomas Elliott, Joseph Elliott, John Evans, John Eberley, Joseph Glover, Francis Grott, Mitchell Gargie, William Graves, Peter Guerard, Jacob Henry, David Hamilton, Thomas Harris, William Hornby, Daniel Jacoby, Charles Kent, Samuel Lockhart, Nathaniel Lebby, Thomas Lister, Thomas Legare, John Lessesne, Henry Lybert, John Michael, John Minott, sen. John Moncrief, Charles M'Donald, John Minott, jun. Samuel Miller, Stephen Moore, George Monck, Jonathan Morgan, Abraham Mariette, Solomon Milner, John Neufville, jun. Philip Prioleau, James Poyas, Job Palmer, Joseph Robinson, Daniel Rhody, Joseph Righton, William Snelling, John Stevenson, jun. Paul Snyder, Abraham Seavers, Ripley Singleton, Samuel Scottowe, Stephen Shrewsbury, John Saunders, James Toussiger, Paul Taylor, Sims White, James Wilkins, Isaac White, George Welch, Benjamin Wheeler, William Wilkie, John Welch, Thomas You.

On

On board the schooner Pack Horse.

John Barnwell, Edward Barnwell, Robert Barnwell, William Branford, John Blake, Thomas Cochran, Joseph Cray, Robert Dewar, William Defaulure, Thomas Eveleigh, John Edwards, jun. John W. Edwards, William Elliot, Benjamin Guerard, Thomas Grayson, John Gibbons, Philip Gadsden, John Greaves, William H. Hervey, John B. Holmes, William Holmes, Thomas Hughes, James Heyward, Geo. Jones, Henry Kennon, John Kein, Stephen Lee, Philip Meyer, George Mosse, William Neufville, John Owen, Charles Pinkney, jun. Samuel Smith, William Wigg, Charles Warham, Thomas Waring, sen. Richard Waring, John Waters, David Warham, Richard Yeldon.

Published by order of Congress,
CHARLES THOMSON, Sec.

STATE OF PENNSYLVANIA.

An Act to raise effective Supplies for the year 1781.

Whereas the honourable Congress of the United States of America, did, by their resolution of the 15th of January, 1781, demand of the several States in union, such effective supplies as might enable them to carry on the war with vigour and effect: and whereas it is the desire of the representatives of the freemen of this State, to comply with the said resolution of Congress,

Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, that the sum of two hundred thousand pounds shall be raised, levied, collected, and paid, within the current year (over and above all arrearages of taxes assessed in the old continental currency) and shall be levied, assessed and raised, in the city of Philadelphia, and the several counties of this State, accord-

ing to the methods and proportions following, that is to say,

In the city and county of Philadelphia; the sum of 66,260l. 6s. 8d. In the county of Bucks, the sum of 13,105l. 13s. 2d.—In the county of Chester, the sum of 21,037l. 17s. 3d. In the county of Lancaster, the sum of 28,472l. 8s. 5d.—In the county of York, the sum of 15,862l. 18s.—In the county of Cumberland, the sum of 14,909l. 16s.—In the county of Berks, the sum of 14,320l. 3s. 7d. In the county of Northampton, the sum of 8,243l. 13s. 8d.—In the county of Northumberland, the sum of 5,582l. 15s. 2d.—In the county of Bedford, the sum of 4,519l. 7s. 5d.—In the counties of Westmoreland and Washington, the sum of 7,685l. 1s. 8d.

And be it further enacted, by the authority aforesaid, that the commissioners of the city and county of Philadelphia, and of every county in this State, or any two of them, shall meet together, on or before the first Tuesday in July next, at their usual places of meeting, in the city, and in their several counties, and shall then and there issue their warrants, under their hands and seals, to the township, ward or district assessors of each township, ward, or district within their respective counties, requiring them, the said assessors, to make fair returns in writing, on a certain day to be by them appointed, of the names and surnames of all the taxable inhabitants, and single freemen within their respective townships, wards, or districts; together with a fair and true return of all their estates real and personal, made taxable by this act, in what county situated, and to whom such estates do respectively belong. And to enable the commissioners to do the strictest justice, in assigning the quota of the several townships, wards and districts, within the city and each county of this State, the said assessors are hereby

empowered

empowered and required to administer to each taxable, within their respective townships, wards or districts, an oath, or affirmation, in the following words, viz. "I A. B. do swear (or solemnly, sincerely, and truly declare and affirm) that the return which I have made, is, to the best of my knowledge, a just and true return of all my taxable property, real and personal, and in what county situated; and that I have not directly or indirectly parted with or disposed of any property, on any condition expressed or implied, to have the same returned to me, with intention to avoid paying the tax thereupon." And if any person or persons shall neglect or refuse to give a return of their taxable property, when required as aforesaid, or shall neglect or refuse to swear, or affirm to the truth of the same, every such person or persons so neglecting or refusing, shall, for every such offence, forfeit and pay a sum equal to the tax at which such person or persons shall be rated by this act, to be levied and collected by the collector of the proper township, by virtue of a special warrant, which the commissioners, or any two of them, are hereby empowered and required to grant, and the same shall be paid into the Treasury of this Commonwealth. And, in order that the said tax may be levied, the assessor shall use his best endeavours, according to the duty of his office, to inform himself of all property so concealed or refused to be returned, and shall make return thereof, that the same may be taxed, according to the true intent and meaning of this act.

And be it further enacted, by the authority aforesaid, that if any person shall neglect or refuse to make returns on oath or affirmation, as aforesaid, of all and every tract or parcel of land, he or she shall possess within this State, to the assessor of the place, where such person shall dwell

or reside, all such lands so omitted, shall be liable and subject to be charged with all such taxes the next, or any subsequent assessment, which the same lands ought to have been charged with, had they been duly assessed, as by this act is directed.— And if any such tract or parcel of land so returned, shall be situate out of the city or county, where such person and assessor shall dwell, then the commissioners of the city or such county, or some one of them, shall, as soon as conveniently may be, transmit a copy of such return to the commissioners of the county where the land shall lie.

And be it further enacted, by the authority aforesaid, that any two or more of the commissioners of the respective counties, shall have power, and they are hereby enjoined and required, to appoint assessors, in case of removal by death, disability, refusal, or neglect to serve, of the present assessors, or where the townships neglect to elect such assessors.

And be it further enacted, by the authority aforesaid, that when the commissioners of any county, shall receive the return of the assessors, as before directed, they shall forthwith proceed to quota the several townships, wards, and districts, in the city of Philadelphia, and the several counties of this State, in proportion to the quantity and quality of the property returned as aforesaid.

And be it further enacted, by the authority aforesaid, that the commissioners of the several counties within this State, shall, within six days after the quotaing the townships, wards and districts, as aforesaid, furnish the assessor of each ward, township and district, with a true and fair transcript of the quota, or sum of money charged upon, and demanded from such township, ward or district, to which such assessor doth belong.

And be it further enacted, by the authority

authority aforesaid, that the assessors of each township, ward or district, within this State, with the assistance of two freeholders of the proper township, ward or district, who shall, and are hereby required, to be appointed by the commissioners of the county for that purpose, shall, within three days after the said assessor shall become possessed of the quota or sum of money so assessed, levy and assess the same equally and impartially, on all and every person, and on all the estates, real and personal, within their respective townships, made taxable by this act.

And be it further enacted, by the authority aforesaid, that the following enumerated articles shall be, and are hereby made taxable, and no other, viz. the time of servitude of all bound servants above the age of fourteen years; all Negro and Malatto slaves above the age of twelve years; all horses and mares above three years old; all horned cattle above three years old; plate, and pleasurable carriages; all lands held by deed, warrant, location or improvement: houses and lots of ground and ground-rents; all grist-mills, saw-mills, fulling-mills, flitting-mills, hemp-mills, oil-mills, snuff-mills, and paper-mills; all forges, furnaces, bloomeries, distilleries, sugar-houses, breweries, tanyards, and ferries, and all wares and merchandize, and all professions, trades and occupations.

And be it further enacted, by the authority aforesaid, that all and every the enumerated articles aforesaid, shall be valued at, and for so much as they would, *bona fide* sell for, or are worth, and such a rate or rates, shall be assessed and levied thereon, as will amount to the sum of money quotas upon the city of Philadelphia, and the several counties of this State.

And be it further enacted, by the authority aforesaid, that each single

freeman, who, at the time of assessing any tax imposed by this act, is, or shall be of the age of twenty-one years or upwards, and has been out of his apprenticeship six months, shall pay a sum not exceeding six pounds, nor under forty-five shillings. And that all trades, professions and occupations (ministers of the gospel, of all denominations, and schoolmasters only excepted) shall be rated at the discretion of the township, ward or district assessors, and two freeholders of the proper township, ward or district, having due regard to the profits arising from them.

And whereas divers owners of lands, whereon improvements have been made, and of tenements, may not reside in the county or district where such lands or tenements are situated, whereby it may be difficult to collect the taxes assessed on such real estate; for remedy whereof,

Be it enacted, by the authority aforesaid, that the tenant or tenants, or other person residing on, or occupying such real estate, his, her, and their goods and chattels; as well as the lands, goods and chattels of the owner or owners thereof, shall be liable to be distrained, to satisfy the said taxes, or any of them; and in case the tenant or tenants, or other persons, residing on, or occupying such real estate, shall pay any tax laid thereon by virtue of this act, or shall be distrained to satisfy such tax, such tenant or tenants may retain the same out of the rent by him or them payable for such estate: or the said tenant or tenants, or other occupier or occupiers of such estate, shall recover the same, with costs of suit, of the owner of such estate, by action of debt; if under five pounds, in a summary way, in like manner as small debts are recoverable; but if the same is above five pounds, in any court of common pleas.

Provided always, That nothing in the foregoing section shall in any manner

manner alter any contract made between any landlord and tenant concerning the payment of taxes.

And be it further enacted by the authority aforesaid, that each county commissioner, and township, ward, district, or assistant assessor, shall respectively, before they enter on any of the duties required of them by this act, before some one justice of the peace for the proper county, make oath or affirmation, as is herein after directed, to wit, if a county commissioner, " I, A. B. do swear or affirm, that I will well and truly cause the rates and sums of money by this act imposed, to be duly and equally assessed and laid, according to the rules and directions mentioned in the act entitled, ' An act to raise effective supplies for the year one thousand seven hundred and eighty one,' to the best of my skill and knowledge, so far as relates to the duty and office of a commissioner, and herein I will spare no person for favour or affection, or grieve any for hatred or ill will." If a township, ward district, or assistant assessor, the following oath or affirmation, to wit, " I, A. B. do swear or affirm, that I will faithfully and impartially assess the quota of the township, ward, or district of imposed by virtue of the act entitled, " An Act to raise Effective Supplies for the year 1781," on the several persons and taxable property therein contained, to the best of my skill and understanding; and that in performing the duties required of me by that act, I will spare no person for favour or affection, or grieve any for hatred or ill will."

And be it further enacted, by the authority aforesaid, that the commissioners, or any two of them, shall appoint one fit person in or for every township, ward or district, to be collectors of the taxes to be raised by virtue of this act.

And be it further enacted, by the authority aforesaid, that the commissioners of the proper county shall prefix in the duplicate delivered to the collector, before the delivery thereof, a warrant under their hands and seals, authorizing and requiring the collector, after the day of appeal shall be passed ten days, to levy the sums rated on all persons who shall not upon demand, after the said appeal forthwith satisfy the same.

And be it further enacted, by the authority aforesaid, that if any assessor legally chosen, or any person appointed by the said commissioners to be an assessor, or an assistant assessor or collector, shall not, within two days after notice in writing, of such election or appointment, make known his intention to the commissioners of the county, to serve or decline the office to which such person hath been or shall be so chosen or appointed, the said commissioners shall consider such persons as having refused to serve in such office, and may proceed to fine such person, and appoint another in his stead, as if such person had actually refused to serve in such office.

And be it further enacted, by the authority aforesaid, that the fine on any person refusing to serve as an assessor or an assistant assessor, shall be any sum not exceeding fifty pounds, and the fine on any person refusing to serve as collector of any district, shall be any sum not exceeding fifty pounds. And in case any assessor or assistant assessor or collector, after taking upon his office, shall neglect to perform his duty therein, any such delinquent shall be fined in any sum not exceeding one hundred pounds; and if any person chosen or appointed to be an assessor, or appointed to be an assistant assessor or a collector, or if any other person shall detain any warrant, duplicate, or other writing, necessary to the assessing

assessing or levying the said tax, beyond the time when such person shall have declined, or be deemed to have declined any such office, or after demand thereof made by the said commissioners, or by any person authorized by them to demand the same, every such delinquent shall be fined in any sum not exceeding one hundred pounds; the said fines to be ascertained and set by the commissioners of the county, and levied as other fines are, or ought to be levied by the said act.

And be it further enacted, by the authority aforesaid, that in case any collector, after distress and sale by him made, shall have any overplus money remaining in his hands, such collector, first tendering the same before one witness, to the owner of the goods distrained and sold, shall, upon the refusal of such owner to receive such money, pay the same to the Treasurer of the county, who shall deduct therefrom one *per cent.* and give notice thereof, in twenty days, to the commissioners of all sums so paid; and the owner thereof shall have the remainder discounted out of any future tax, and the receipt of the said treasurer shall exonerate the collector.

And be it further enacted, by the authority aforesaid, that the collector shall make out fair and true accounts in writing, of every seizure by them made, with the charges, to be settled by the commissioners; which commissioners shall make the collectors such reasonable allowance for their trouble, as to them shall seem right; and the said commissioners shall have full power and authority in all cases to call upon collectors, who have, or in future may have, any overplus money in their hands, and to proceed against them in such cases as the law directs, in case of delinquent collectors.

And be it further enacted, by the authority aforesaid, that the collec-

tor of every district, ward, or township, shall pay unto the county treasurer, the whole of the tax charged in his duplicate, within thirty days after the day of appeal, unless he hath been obliged to make distress for any part thereof, in which case and no other, he shall, as to the tax assessed on the parties distrained on, have ten days more; after which the commissioners of the county shall fine such deficient collector, at the rate of three pence in the pound, upon all sums charged in his duplicate, which such collector shall not have paid to the said treasurer for every day he shall fail to make payment thereof as aforesaid; such fine to be recovered in manner aforesaid.

And be it further enacted, by the authority aforesaid, that every county treasurer of this State, shall pay over all sums of money by him received by virtue of this act, to the treasurer of this Commonwealth, within the time hereinafter limited, that is to say, the treasurer of the county of Philadelphia, within three days after he shall receive the same: the treasurer of the county of Bucks, within four days after he shall receive the same: the treasurer of the county of Chester, within four days after he shall receive the same; the treasurer of the county of Lancaster, within six days after he shall receive the same: the treasurer of the county of York, within seven days after he shall receive the same; and the treasurer of the county of Cumberland, shall be allowed eight days: and the treasurer of the county of Berks, six days: and the treasurer of the county of Northampton, seven days: and the treasurer of the county of Bedford, twelve days: and the treasurer of the counties of Westmoreland and Washington, twenty days: and the treasurer of the county of Northumberland, twelve days for the like purpose.

And be it further enacted, by the authority

authority aforesaid, that the commissioners of the several counties of this State, shall cause their clerk to make out a fair transcript of the assessment of every tax laid upon the county, by virtue of this act; and having signed the same, shall cause such transcript to be delivered to the treasurer of the Commonwealth, within thirty days after the days of appeal.

And be it further enacted, by the authority aforesaid, that the commissioners of the city and several counties, shall each of them have and receive seven shillings and six-pence per day; and each of the township, ward and district assessors, and assistant assessors, shall have and receive five shillings per day, for each day they shall, *bona fide*, be employed in the performance of the several duties required of them by this act; and that the collectors severally employed in and for the due execution of this act, shall be allowed six-pence in the pound for every pound by them so collected, and no more.

And be it further enacted, by the authority aforesaid, that all sums of money to be assessed and levied by this act, shall be paid and discharged in gold or silver money, at the rate of three pounds for one half Johannes of Portugal, weighing nine penny weights; and seven shillings and six-pence, for one Spanish milled dollar, weighing seventeen penny weights and six grains, and so in proportion for all other gold or silver money, and in no other money whatsoever. Provided always, nevertheless, that all persons who have taken the oath or affirmation of allegiance to this State, within the time, and in the manner prescribed by law, shall be, and hereby are authorized and permitted to pay one half of the sums assessed upon them respectively, in the paper bills of credit, emitted in pursuance of an act passed on the seventh day of

April, 1781; but the other half shall be paid in gold or silver, at the rates aforesaid.

And whereas it is absolutely necessary, that this act be put in force, and executed with all convenient speed,

Therefore, be it enacted, by the authority aforesaid, that if any of the said commissioners shall refuse or neglect to do his or their duty in the premises, he or they so offending, shall be fined by the Supreme Executive Council of this State, in any sum not exceeding five hundred pounds for every offence, which, by virtue of their warrant directed to the sheriff or coroner of the county, where such offender or his estate is, at the time of issuing such warrant, shall be levied by seizure of lands, distress and sale of goods, or imprisonment of body, as the case shall require.

And be it further enacted, by the authority aforesaid, that the act for raising supplies for the year 1779, and every article, clause, matter and thing herein contained (except what is herein altered or supplied) shall be, and is hereby declared to be extended to this act, and shall continue in full force and virtue, till all and every sum and sums of money hereby imposed, shall be raised, levied, collected and paid.

Signed by order of the House,
FREDERICK A. MUHLENBERG,
Speaker.

Enacted into a law at Philadelphia, on Thursday, the 22d of June, in the year 1781.

SAMUEL STERET, Clerk of
the General Assembly.

STATE of NEW-JERSEY.

An ACT for raising the value of One Hundred and Fifty Thousand Pounds in money and other supplies, in the state of New-Jersey, and for other purposes therein-mentioned.

Whereas it is necessary that provision be made for raising a sum of money

money to answer the exigencies of the state, and for procuring supplies for the use of the army ;

Sett. 1. Be it enacted by the Council and General Assembly of this state, and it is hereby enacted, by the authority of the same, That there shall be assessed, levied and raised on the several inhabitants of this state, their goods and chattels, and on the lands and tenements within the same, the sum of One Hundred and Fifty Thousand Pounds, at two several payments ; that is to say, The sum of One Hundred Thousand Pounds shall be assessed, levied, raised and paid into the treasury, on or before the tenth day of September next ; and the sum of Fifty Thousand Pounds, on or before the first day of December next ; and that the said payments be made in money, in certificates, or in receipts for the articles of provision and clothing in this act enumerated, at the value and in the manner hereinafter limited and directed.

2. And be it enacted by the authority aforesaid, That in assessing the sum of One Hundred Thousand Pounds, the first payment of the said tax, the several persons, articles and things made taxable by this act, shall be valued and rated at the discretion of the assessors and freeholders chosen agreeably to the directions of this act, as follows, viz.

All householders, (under which description shall be included men living with their parents, and not supporting a separate table) the estimated value of whose rateable estate does not amount to Twenty-five Pounds, any sum in proportion to their abilities, not exceeding Twenty Pounds over and above the certainties and other estate made rateable by this act.

All merchants, shopkeepers and traders, any sum not exceeding Thirty Pounds.

All accustomed fisheries, the property of private persons, where fish

are caught for sale, any sum not exceeding Thirty Pounds.

All saw-mills that saw timber for sale or hire, any sum not exceeding Thirty Pounds.

All grist-mills for each pair of stones, any sum not exceeding Thirty Pounds.

All fulling-mills any sum not exceeding Fifteen Pounds.

All furnaces any sum not exceeding Fifty Pounds.

All forges that work pig-iron, and all forges and bloomeries that work bar-iron immediately from the ore, any sum not exceeding Ten Pounds for each fire.

All rolling and slitting mills any sum not exceeding Seventy Pounds.

All oil-mills where linseed oil is made for sale, any sum not exceeding Five Pounds.

All snuff-mills where snuff is made for sale, any sum not exceeding Five Pounds.

All stamping-mills for extracting shot-metal from furnace cinders, any sum not exceeding Twenty Pounds.

All stills that distil spirituous liquors for sale or hire, any sum not exceeding Twenty Pounds.

All breweries that brew for sale or hire, any sum not exceeding Fifteen Pounds.

All tavern-keepers and retailers of spirituous liquors, any sum not exceeding Twenty Pounds.

All tan-yards that tan leather for sale or hire, any sum not exceeding Twenty Pounds.

Every ferry, any sum not exceeding Fifty Pounds.

Every coasting sloop, schooner, shallop, flat passage boat, pilot boat, wood boat and pettianger, that carries freight for sale or hire, in proportion to their burden and business, any sum not exceeding Ten Pounds.

Every single man, whether he lives with his parents or otherwise, who keeps a horse, mare, or gelding, any sum not exceeding Forty Shillings.

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Every

Every single man, whether he lives with his parents or otherwise, who does not keep a horse, mare, or gelding, any sum not exceeding Thirty Shillings. *Provided always*, That every single man possessed of a rateable estate, the tax whereof amounts to the highest sum he is above directed to be rated at, shall be assessed for such estate only, and not as a single man.

Every male slave between the ages of sixteen and sixty years, any sum not exceeding Thirty Shillings.—*Provided always*, That no slave shall be taxed who is unable to work, or that may appear to the assessors and chosen freeholders to be more charge than profit to his master or mistress.

Every coach, chariot, four wheeled chaise or phaeton, any sum not exceeding Five Pounds.

Every two horse chaise or curricule, any sum not exceeding Thirty Shillings.

Every riding chair, kittereen, or sulky, any sum not exceeding Ten Shillings.

Every light travelling waggon with a top or covering, the body of which hangs or rests on springs, shall be rated any sum not exceeding Thirty Shillings.

Every light pleasurable riding waggon with a top or covering, (though the body does not hang or rest on springs) shall be rated any sum not exceeding Twenty Shillings.

All household clocks shall be rated any sum not exceeding Five Shillings.

All gold watches shall be rated any sum not exceeding Ten Shillings.

All pinchbeck or silver watches shall be rated any sum not exceeding Two Shillings and Six-pence.

All silver plate, the property of any of the inhabitants of this state, above twenty ounces, shall be rated at Three-pence per ounce.

All covering horses of four years old and upwards, shall be rated any sum not exceeding Ten Pounds.

All other horses, mares, and geldings, of two-years old and upwards, shall be valued at Twenty-five Shillings each head.

All horned cattle of two years old and upwards, shall be valued at Twenty Shillings each head.

All tracts of land held by deed, patent, or survey, whether improved or unimproved, shall be valued at the discretion of the assessors and chosen freeholders in each respective county of this state, as follows, viz.

In the county of Bergen not above Seventy Pounds by the hundred acres.

In the county of Essex not above Eighty Pounds by the hundred acres.

In the county of Middlesex not above Seventy Pounds by the hundred acres.

In the county of Monmouth not above Seventy Pounds by the hundred acres.

In the county of Somerset not above Seventy Pounds by the hundred acres.

In the county of Burlington not above Eighty Pounds by the hundred acres.

In the county of Gloucester not above Eighty Pounds by the hundred acres.

In the county of Salem not above Eighty Pounds by the hundred acres.

In the county of Cape-May not above Sixty Pounds by the hundred acres.

In the county of Hunterdon not above Seventy Pounds by the hundred acres.

In the county of Morris not above Seventy Pounds by the hundred acres.

In the county of Cumberland not above Eighty Pounds by the hundred acres.

In the county of Sussex not above Seventy

Seventy Pounds by the hundred acres. *Provided always*, That houses and lots of land situate, lying and being in any county in this state, of ten acres of land and under, shall not be included in the above valuation, but such shall be valued by the respective assessors and freeholders at their discretion, having regard to their yearly rents and value, proportioning the same as nearly as may be to the valuation of lands aforesaid.

3. *And be it further enacted by the authority aforesaid*, That the said first payment, being the sum of One Hundred Thousand Pounds, shall be assessed, levied and raised in the several counties in this state in the following proportion, *viz.*

By the county of Bergen (exclusive of the township of Bergen) the sum of Five Thousand One Hundred and Sixty-nine Pounds Fourteen Shillings.

By the county of Essex the sum of Seven Thousand Two Hundred and Sixty-seven Pounds Two Shillings.

By the county of Middlesex the sum of Seven Thousand Five Hundred and Ninety-five Pounds Fourteen Shillings.

By the county of Monmouth the sum of Nine Thousand Seven Hundred and Sixty-nine Pounds Nineteen Shillings and Four-pence.

By the county of Somerset the sum of Eight Thousand Six Hundred and Twenty Pounds.

By the county of Burlington the sum of Ten Thousand Two Hundred and Seventy-eight Pounds Eight Shillings and Ten-pence.

By the county of Gloucester the sum of Eight Thousand One Hundred and Twenty-eight Pounds.

By the county of Salem the sum of Six Thousand Seven Hundred and Ninety-five Pounds Twelve Shillings.

By the county of Cape-May the

sum of Two Thousand and Eighty Pounds and Eleven-pence.

By the county of Hunterdon the sum of Thirteen Thousand Five Hundred and Forty-three Pounds Six Shillings.

By the county of Morris the sum of Eight Thousand Two Hundred and Sixty-two Pounds Two Shillings and Eleven-pence.

By the county of Cumberland the sum of Four Thousand Five Hundred Pounds.

By the county of Sussex the sum of Eight Thousand Pounds.

4. *And be it enacted by the authority aforesaid*, That in assessing the said second payment, being the sum of Fifty Thousand Pounds, all lands, horses and cattle shall be valued as aforesaid.

All hogs of six months old and upwards, shall be valued at Five Shillings each, and all and every of the above certainties shall be rated at one half the sums they are respectively assessed at, so as to agree in the same proportion as one is to two; and the said sum of Fifty Thousand Pounds shall be assessed levied and raised by the several counties in this state, in the proportion following, *viz.*

By the county of Bergen, (exclusive of the township of Bergen) the sum of Two Thousand Five Hundred and Eighty-four Pounds Seventeen Shillings.

By the county of Essex the sum of Three Thousand Six Hundred and Thirty-three Pounds Eleven Shillings.

By the county of Middlesex the sum of Three Thousand Seven Hundred and Ninety-seven Pounds Seventeen Shillings.

By the county of Monmouth the sum of Four Thousand Eight Hundred and Eighty-four Pounds Nineteen Shillings and Eight-pence.

By the county of Somerset the sum of

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of Four Thousand Three Hundred and Ten Pounds.

By the county of Burlington the sum of Five Thousand One Hundred and Thirty-four Pounds Four Shillings and Five-pence.

By the county of Gloucester the sum of Four Thousand and Sixty-four Pounds.

By the county of Salem the sum of Three Thousand Three Hundred and Ninety-seven Pounds Sixteen Shillings.

By the county of Cape-May the sum of One Thousand and Forty Pounds and Five-pence Half-penny.

By the county of Hunterdon the sum of Six Thousand Seven Hundred and Seventy-one Pounds Thirteen Shillings.

By the county of Morris the sum of Four Thousand One Hundred and Thirty-one Pounds One Shilling and Five-pence Half-penny.

By the county of Cumberland the sum of Two Thousand Two Hundred and Fifty Pounds.

By the county of Sussex the sum of Four Thousand Pounds.

5. *And be it enacted*, That the assessors of the several townships, precincts and wards in this state, shall, before they proceed in the duties enjoined on them by this act, take the same qualification as is prescribed in and by the act, intituled, *An Act to raise the sum of Three Millions Three Hundred and Seventy-five Pounds in the state of New-Jersey*, substituting only in the said qualification the title of this act instead of the title of the said recited act.

6. *And be it enacted by the authority aforesaid*, That each inhabitant and freeholder of every township, precinct and ward in this state, shall, on application of the assessor of the same, forthwith deliver in a full and true account of his name and surname, and of his real and personal estate made rateable by this act, which the

said assessor, who is hereby required to call upon every taxable inhabitant for the above purpose, shall take down in writing; and every person neglecting or refusing to give in such account, shall forfeit the sum of Three Pounds, and be doubly assessed, as directed in the said recited act; and every person who shall conceal, or not give in a full and true account of his real and personal estate, made rateable as aforesaid, shall, on discovery thereof by the assessor, after the said assessment is given in, and before the same is returned into the treasury, be proceeded with as in the said recited act is expressed; and in case of conviction, or neglect to attend before the justice, before whom the matter shall be brought to issue, on being summoned for that purpose, shall forfeit and pay the sum of Six Pounds for each default, and be rated at double the value of what the part of his estate so concealed or not given in would have been rated at, to be recovered with costs, paid and applied as in the said recited act is directed, and shall have the same privilege of appeal and jury as is therein set forth.

7. *And be it further enacted*, That each assessor shall make a true account, and make out an exact list of the persons and things made rateable as aforesaid, for the first payment, on or before the 18th day of July next, and for the second payment, on or before the 8th day of October next; and the said assessors shall meet together for settling the quotas of the several townships, precincts, or wards, of the first payment, on the 23d day of July next, and of the second payment, on the 15th day of October next, at the place of holding the courts of Common Pleas, and Quarter-Sessions of the several counties, (excepting in the counties of Bergen and Hunterdon, in the former

mer of which the dwelling-house of *Cornelius Van Horn*, at *Paramus*, shall be the place of meeting, and in the latter, that of *Henry Merfson*, in *Amwell*) and shall then and there proceed in the discharge of that duty, as in the said recited act is mentioned, having regard to the restrictions and limitations of this act; at which times and places the county collector shall also attend for the purpose in the said act expressed.

8. AND for the more equitable assessment of the said tax, *Be it enacted*, That the freeholders and inhabitants of each precinct, township and ward in every county in this state, wherein freeholders are not already chosen to assist the assessors, shall assemble at the usual place of holding their annual town-meeting, on the 18th day of July next, on the like notice given for the same space, and in the same manner as in the said recited act is directed, and shall then and there elect not more than four, nor less than two judicious and reputable freeholders, for the service in this act specified; which freeholders so chosen, shall take the same

qualification as is therein described, substituting only in the said qualification the title of this act, instead of the title of the said recited act, and the said assessors and freeholders shall proceed in the same manner in the performance of their several duties, as in the said act is particularly expressed; and in case of neglect or refusal of duty, or in case of the non-election of such officer, the vacancy in every such case shall be supplied in the mode pointed out therein.

9. *And be it further enacted*, That the assessors respectively shall deliver into the collectors of their several townships, precincts or wards, true and exact duplicates of each assessment, within ten days after the time herein before limited for the meetings of the assessors for settling the quotas of the same, and copies thereof to the collectors of the several counties, who are hereby required to transmit the same to the Legislature, within the second week of their next subsequent sitting; which duplicate shall be made in the form following, viz.



A 11a

A List of the Rateables in the Township, Precinct or Ward, of _____, in the County of _____, in the State of New Jersey, with the Assessments made thereon in the Month of _____, Anno Domini 1781.

	Acres of improved land.
	Value of ditto.
	Acres of unimproved land.
	Value of ditto.
	Houses and lots of land not exceeding ten acres.
	Value of ditto.
	Horses of 25s. each.
	Horned cattle at 20s.
	Hogs at 5s.
£	Total whereon to levy.
s	
d	
	Householders.
	Merchants, shopkeepers and traders.
	Sawmills.
	Gristmills.
	Fellingmills.
	Furnaces.
	Forges.
	Rolling and Slittingmills.
	Oilmills.
	Snuffmills.
	Stampingmills.
	Stills that distil for hire.
	Brewhouses that brew for sale or hire.
	Taverns.
	Tanyards that tan for sale or hire.
	Ferries.
	Vessels.
	Single man and horse.
	Single man.
	Slaves.
	Fisheries.
	Coaches, chariots, four wheel'd chaise, &c.
	Two horse chaise or curricl.
	Riding chair, kittereen or Sulky.
	Covered waggons on springs.
	Covered waggons not on springs.
	Household clocks.
	Gold Watches.
	Pinchbeck and silver watches.
	Plate
	Covering horses.
£	Amount of rates.
s	
d	

10. *And be it enacted*, That every assessor who shall neglect or refuse to perform any of the duties enjoined on him by this act, shall forfeit and pay the sum of Twenty Pounds, to be recovered with costs, and applied as in the said recited act is directed, and shall be allowed the sum of Fourpence on the pound, for his services in assessing and rendering duplicates as aforesaid, to be paid in like manner.

11. *And be it further enacted*, That if the freeholders of any township, precinct or ward, chosen agreeably to the directions of this act, or any or either of them shall neglect or refuse to assist the assessor thereof in any duty required of them by this act, they and each of them so neglecting or refusing, shall forfeit and pay the sum of Six Pounds, to be recovered with costs, and applied as in the said recited act is directed; and the said chosen freeholders shall each of them have and receive the sum of Seven Shillings and Sixpence by the day, for every whole day they are actually employed in discharging the duties required of them by this act, to be certified and paid in manner prescribed in the said recited act.

12. *And be it enacted*, That each person who may think himself aggrieved by any assessment made under this act, shall have the privilege of an appeal, and the commissioners of appeal of each township, precinct or ward, are hereby required to attend for that purpose, at the usual place of holding the annual town-meetings, or at such other place, and at such times as they by their advertisements shall appoint, and on due examination of facts, to give such relief as may be agreeable to justice, whose judgment shall be final to all intents and purposes. *Provided always*, That no person shall have the privilege of an appeal until after he has paid his tax.

13. *And be it further enacted*, That

the collector of each township, precinct or ward, in the several counties in this state, shall, within fifteen days after the receipt of the duplicate and assessment aforesaid from the assessor, make demand of the tax laid upon each person within such township, precinct or ward, in person, or by notice left at his place of abode; and in case of neglect of payment within five days after the expiration of the said term, shall make a return containing a list of the names and surnames of the delinquents, and the sum due from each, to a justice of the peace of the county, whereupon an oath shall be administered to the said collector by the said justice, and all other proceedings shall be thereon had, as in and by the said recited act is directed; and every justice who shall neglect or refuse to do the said duty, or any other duty required of him in this act, shall forfeit and pay the sum of Fifteen Pounds, with costs, to be recovered and applied in manner prescribed in the said act.

14. *And it is hereby enacted*, That each constable who shall serve a warrant of distress granted against any delinquent for non-payment of his tax, shall at the time of making payment, retain for each name inserted in the warrant, the sum of Threepence, to be paid to the justice who granted the same, and Two Shillings and Sixpence as his own compensation for each distress; and every constable who shall neglect or refuse to do any duty enjoined on him in this act, shall forfeit and pay the sum of Five Pounds, to be recovered with costs, and applied as in the said recited act is directed; and either party in such suit shall, on demand, have the benefit of a jury, as is therein provided; and in case of neglect or refusal of duty in any constable as aforesaid, the vacancy shall be supplied in like manner.

15. *And be it enacted*, That the collector

collector of each township, precinct or ward in the several counties in this state, shall deliver the duplicate of the first assessment on or before the first day of September next, and the duplicate of the second assessment on or before the twentieth day of November next, together with the sums thereon collected, and the forfeitures received for the use of the state in pursuance of this act, to the collector of the county, retaining in his hands Three-pence in the pound on the tax gathered in and paid as aforesaid; and the said collector, in case of neglect or refusal of any duty enjoined on him by this act, shall forfeit and pay the sum of Fifteen Pounds; to be recovered with costs, and applied in manner prescribed in the said recited act; and every vacancy arising from neglect, refusal or non-election, shall be supplied as is therein directed; and each precinct, township or ward collector who shall make default in not paying the tax by him collected, and every part thereof, to the collector of the county at the times before limited in this act, shall, besides the forfeitures before-mentioned, be subject to an action of debt at the suit of the county collector, for the recovery of the whole sum or any part thereof, with interest and costs of suit.

16. *And be it enacted*, That the collector of each county in this state shall pay the tax by him received in the first assessment made in pursuance of the directions of this act, to the treasurer of the state, on or before the tenth day of September next, and the tax received in payment of the second assessment on or before the first day of December next, taking the said treasurer's receipt for the same, which shall be sufficient vouchers to discharge the said collector from the amount of the tax so paid; and the said collector shall retain in his hands the sum of One-penny in

the pound for the tax by him received and paid into the treasury as aforesaid, and likewise Six-pence per mile for each mile his place of abode may be distant from the treasury; and every county collector who shall neglect or refuse to do any duty enjoined on him in this act, shall for every such offence forfeit and pay the sum of Fifty Pounds, to be recovered with costs, by the treasurer, and applied to the use of the state, and another collector shall be chosen in the room of him so neglecting or refusing, in the mode pointed out in the said recited act; and if any county collector shall make default in not making due and full payment of the tax by him received as aforesaid, and every part thereof to the treasurer, he shall, besides the forfeitures before-mentioned, be subject also to an action of debt at the suit of the said treasurer, for the recovery of the whole sum or any part thereof, with interest and costs of suit; and the said county collector shall be liable to be called to an account respecting the tax he shall receive by virtue of the directions of this act, by the board of justices and freeholders at their stated meeting, in manner directed in the said recited act.

17. *And be it enacted*, That the tax laid or assessed on unimproved and untenanted lands, shall be recovered in the same manner as is directed in the said recited act, and the goods and chattels of tenants shall be equally responsible for the tax assessed on the lands whereon they reside, or of which they have the care, and under the same restrictions and provisions as are therein prescribed and mentioned.

18. *And be it enacted by the authority aforesaid*, That it shall and may be lawful for the collector of each precinct, township and ward, in every county in this state, and he is hereby

hereby authorized and required in the collection of the tax directed to be raised by this act, to receive in discharge of the same, or of any part thereof, the bills of credit issued on the faith of this state, or certificates given by the contractor appointed in such county agreeably to law, tendered in payment of the tax of the original holder only, or surplus certificates given by the collectors of former taxes, and tendered as aforesaid, or gold and silver coin at the current value, or receipts given by the said contractor, or any person by him authorized and appointed to receive and take charge of such articles as are hereinafter particularly specified and enumerated, at the prices to them respectively annexed. *Provided always*, That no certificates given under the department of the Quarter-master or Commissary-general of the United States, shall be received in payment of the said tax, or of any part thereof. *And provided also*, That no certificates given by any of the county contractors of this state, or by collectors of former taxes, which have been transferred or assigned over from the original holder, nor any of the bills of credit of the United States, shall be received in discharge of the said tax, or of any part thereof, any law, usage or custom to the contrary in anywise notwithstanding.

19. *And be it also enacted*, That if the amount of any certificate tendered as aforesaid, shall exceed the amount of the tax of the person tendering the same, the said collector shall give a new certificate for the surplus, in manner prescribed in the act, intitled, *An Act to extend the power of the collectors in receiving certain certificates in payment of taxes*, passed the ninth day of January, one thousand seven hundred and eighty-one.

20. *And be it further enacted*, That

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the receipts given by the contractors of the several counties, or persons by them appointed, for articles delivered in payment of the said tax, shall avail to the said collectors in their settlement with the county collector, and to the county collector in his settlement with the treasurer, in lieu of so much money. And to the end that the tax directed to be levied by this act may be more easily discharged by the good people of this state, and that supplies for the use of the army, militia, and troops raised for the defence of the state, may be procured with the greatest certainty: *Be it enacted*, That it shall and may be lawful for the said inhabitants to deliver in discharge of the said tax, or of any part thereof, the following articles of produce and manufacture, or any of them, and at the prices to them respectively annexed; *that is to say*,

Good merchantable wheat by the bushel, weighing sixty pounds, the sum of Seven Shillings and Six-pence.

Good merchantable rye by the bushel, the sum of Five Shillings.

Good clean oats by the bushel, the sum of Two Shillings and Six-pence.

Good merchantable Indian corn by the bushel, the sum of Four Shillings.

Good clean buck-wheat by the bushel, the sum of Two Shillings and Six-pence.

Merchantable wheat flour by the hundred weight, the sum of One Pound Two Shillings and Six-pence.

Good merchantable beef by the pound, the sum of Four-pence.

Well-fatted mutton by the pound, the sum of Four-pence Half-penny.

Salted beef well cured, by the barrel, weighing two hundred and forty pounds net, the sum of Five Pounds:

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Merchantable

Merchantable fresh pork by the pound, the sum of Five-pence Half-penny.

Well-cured pickled pork by the barrel, weighing two hundred and twenty pounds net, the sum of Six Pounds Ten Shillings.

Three-yard linen by the yard, the sum of Four Shillings, and other linen in proportion.

Good new homespun milled blankets, containing five yards, the sum of Forty Shillings.

Home-made salt, best quality, the sum of Seventeen Shillings and Sixpence. *Provided always*, That every person tendering or intending to pay any of the before enumerated articles, in discharge of his tax, or of any part thereof, shall transport or convey the same to such place within the township, precinct or ward wherein he resides, as shall be directed by the contractor of the county, and shall there make delivery thereof to the said contractor or person by him authorized or employed for that purpose, taking a receipt for the same, specifying the article or articles so delivered, and the quantity and quality of each, with the value of the same; and shall deliver the said receipt to the collector of the precinct, township or ward, before the expiration of the time herein before limited for the payment of the assessment of the tax laid by this act, in discharge of which, such article or articles shall be delivered.

21. *And be it further enacted*, That the contractor of each county shall appoint one or more places in each township, precinct or ward, according to the extent of the same, where the articles before enumerated shall be delivered and deposited, and proper persons to receive and store the same, and shall at or before the times in this act fixed for the assessor to deliver the duplicate of each assess-

ment to the collector of the township, precinct or ward, set up advertisements in at least three of the most public places in each township, precinct or ward within the county, notifying to the inhabitants thereof the place or places of deposit, and the person or persons appointed to receive and store the articles aforesaid, who shall give receipts for the said articles so to them delivered in and deposited in their care, and shall be responsible for the safe keeping thereof, unless the same shall be destroyed or taken away by the enemy or their adherents. *Provided always*, That where by reason of the situation of any township, precinct or ward, and its contiguity to the lines of the enemy, it may be dangerous or unsafe to lodge any of the said articles within the bounds of the same, the said contractor is hereby required to fix upon some safe and convenient place in one of the adjacent townships, precincts or wards, as a depository, and to give notice of the same as before mentioned, and of the person appointed to receive the said articles; and the inhabitants of such township, precinct or ward, contiguous to the enemy as aforesaid, shall convey or transport the articles by them tendered in payment of tax, to the said depository accordingly.

22. *And it is hereby enacted*, That the said contractors shall forthwith cause the wheat delivered as aforesaid, to be manufactured into flour, packed and barrelled, and the fresh beef and pork so delivered, to be well cured or salted, packed and put into casks or barrels, containing as follows:

Each cask or barrel of beef two hundred and forty pounds net weight.

Each cask or barrel of pork two hundred and twenty pounds net weight. And the said contractors having first caused the said casks or barrels

barrels of beef, pork and flour to be branded in manner directed in the act, intituled, *A supplemental act to the act intituled, an Act for procuring provisions for the use of the army, and other supplies for carrying on the war, and for settling the public accounts of this state*, passed March the 18th, one thousand seven hundred and eighty, and the weight to be marked thereon, shall immediately cause the same to be transported or conveyed to such place or places within the state as shall be ordered by the superintendant of purchases of this state, by the direction of his Excellency the Commander in Chief of the army of the United States, or of the Quartermaster (or Commissary) General of the said army; and the said superintendant is hereby required to give seasonable directions to the said contractors accordingly.

23. *And be it enacted by the authority aforesaid*, That the said contractors respectively shall forthwith convey or cause to be conveyed or transported all such articles of clothing as may be received in payment of tax as aforesaid, to the clothier of this state, taking his recent receipt for the same, which shall be a sufficient voucher to the said contractor for such delivery, in the settlement of his accounts with the superintendant.

24. *And be it enacted*, That the contractors of such counties where salt shall not be received in payment of the said tax, shall draw from the collector of the county such sum or sums of money as may be necessary for the purchase thereof, for curing the fresh beef, mutton or pork delivered as aforesaid, and also for the purchase of casks or barrels, whose receipts for the sums so drawn shall be sufficient vouchers to the county collector for so much money, in his settlement with the treasurer; and the said contractors are hereby required, as soon as the said tax and

each assessment thereof shall be collected and the said articles delivered in, to transmit an account or return thereof to the superintendant, who shall draw out a general account of the same, to be forwarded as directed by the act, intituled, *An Act for the more speedy and effectual procurement of supplies for the army of the United States*, passed December the 4th, one thousand seven hundred and eighty.

25. *And be it further enacted*, That the superintendant of purchases of this state shall draw from the treasury such sums of money as may be necessary for the discharge of the accounts for transportation of the articles collected in payment of tax as aforesaid, and for cooperage and pickling, whensoever the same shall be regularly made out and transmitted to him by the said contractors.

26. *And be it further enacted*, That the said contractors shall be entitled to receive the same allowances on the articles by them delivered in pursuance of the directions of this act, as are by law granted them for the purchase of the same, besides the charges of cooperage, packing, receiving and storing the articles received in payment of taxes aforesaid; and if any contractor shall wilfully pack up, or suffer to be packed up, any beef or pork delivered as aforesaid, without being properly and sufficiently cured or pickled, or shall pack up the said beef, pork or flour in insufficient casks, or made of wood not sufficiently seasoned, so that the said beef, pork or flour receive damage by such mismanagement, he shall be liable to pay the value of the said beef, pork or flour damaged as aforesaid, in gold or silver, or other current money equivalent, to be recovered with costs, by the superintendant of purchases of this state, in any court where the action may be cognizable, and paid into the treasury

fury for the use of the state, and shall moreover, for such wilful mismanagement or other neglect or refusal to do or perform any duty, matter or thing enjoined on him in this act, forfeit and pay the sum of Twenty Pounds, to be recovered with costs, and applied as aforesaid.

27. *And be it enacted*, That the collector of each county within this state shall make out a general account containing the amount of the articles of supply delivered in as aforesaid, and the quantity and value of each, at the price herein before affixed, according to the receipts to him paid forward by the collectors of the several townships, precincts or wards within such county, and shall transmit the same to the superintendant of purchases of this state, together with an account of the sums drawn from him by the contractor of this county, agreeably to the directions of this act; and the said county collector shall also transmit the amount of the receipts for clothing to him paid forward, and the quantity and quality of each article delivered in as aforesaid, with their value, as specified in the said receipts, to the clothier and auditor of accounts of this state.

28. *And it is hereby further provided and enacted*, That no fresh beef, fresh pork, or fresh mutton, other than beef or mutton upon the leg, shall be received in payment of the tax directed to be raised by this act, or of any part thereof, before the fifteenth day of October next; and in case any beef delivered on the leg shall be slaughtered for the use of the troops or militia stationed for the defence of the frontiers, the hides and tallow shall be delivered by the contractor to the commissary of hides of the United States, or his deputy, and receipts taken for the same, or disposed of for the use of the states, and accounted for by the

said contractor in his settlement with the superintendant.

29. *And be it further enacted*, That each township, precinct or ward collector shall, before he proceeds in the duties required of him by this act, take the following qualification before a justice of peace of the county, viz.

“ I A. B. do swear (or if one of the people called Quakers, affirm) that I will not sell or exchange any of the gold or silver coin which I shall receive in payment of the tax directed to be collected by virtue of the directions of the act, intitled, *An Act to raise the value of One Hundred and Fifty Thousand Pounds in money and other supplies, in the state of New-Jersey, and for other purposes therein mentioned*, for any other money, or for certificates; and that I will not purchase any of the bills of credit issued on the faith of this state, or any certificate issued on the faith of this state, or any certificate allowed to be received in payment of the said tax, in order to pay the same forward to the collector of the county, for the discharge of the tax by me collected.” And each county collector, and every constable who shall make distress, shall take the same qualification, with the necessary variations; and the said county and township collectors and constable shall deliver a certificate of their having taken the said qualification, from the justice who administered the same, together with the monies by them paid forward, agreeably to the directions of this act.

30. *And be it further enacted*, That where in any township, precinct or ward, it may be dangerous or unsafe for a collector, assessor or constable alone and unassisted, to perform the duties of their several offices, it shall and may be lawful for the

the said assessor, collector or constable, and they are hereby respectively required to make application to the Colonel or Commanding Officer of any regiment in the county, for such a number of men as may be sufficient as a guard for their protection, which the said Colonel or Commanding Officer is hereby authorized and required to grant accordingly, by calling out so many classes of the militia of his regiment as may be sufficient for that purpose, upon an oath or affirmation of such assessor, collector or constable being to him produced, taken before a justice of the peace of the county, that he verily believes and thinks it dangerous to proceed in the duties of his office, without such guard; and the officer, non-commissioned officers and privates so employed, shall be admitted to do the said duty on horseback, and shall receive the same pay while engaged in the said service, as is allowed to horsemen while in actual militia duty, to be paid in the same manner, on a certificate from the said assessor, collector or constable, specifying the number of days they were so employed; and the officer or officers who shall command the said guard, shall deliver to the assessor abstracts of the pay-rolls of the said service, who are hereby required to assess the same upon the estates of the persons in such districts where the said guard was employed, in addition to their quota of the next tax.

31. *And be it enacted by the authority aforesaid,* That in every case where it shall so happen, that the tax by this act laid cannot by reason of an actual invasion of the enemy be assessed or collected within the times herein before limited, the same shall be assessed and collected as soon as the said invasion shall cease and the enemy shall be removed.

32. *And be it also enacted,* That

the act, intituled, *An Act to raise the sum of Three Million Three Hundred and Seventy-five Thousand Pounds in the state of New-Jersey,* shall be, and the same is hereby received, so far forth as is necessary for the purposes of this act, and for no other intent or purpose whatsoever.

33. *And be it further enacted,* That the treasurer of the state for the time being, shall, on receipt of any of the bills of credit, issued on the faith of this state, in pursuance of the resolutions of Congress of the 18th of March, One Thousand Seven Hundred and Eighty, in payment of the tax directed to be raised by this act, or of any part thereof, cause the said bills to be stamped or marked with red ink, in presence of one of the signers of the same, with the letters int. pd. on the face of the bills, and also with the letters and figures expressing the period of time to which the said interest is allowed, when to him paid forward by the respective county collectors, and shall lay an account of the bills stamped or marked as aforesaid, their denominations and value, certified by the person in whose presence the said bills were stamped or marked as aforesaid, and also an account of the charges arising therefrom, for allowance and payment, before the Legislature at their next subsequent sitting.

34. *And be it enacted,* That the said treasurer shall also cause all bills of the currency aforesaid, which he shall receive in payment of any debt due to the state, or which may be delivered to him out of the continental loan-office in this state, in exchange for the bills of credit of the United States, after the publication of this act, or which may have been received by him in exchange as aforesaid, and not issued out of the treasury of the state before the publication,

ation hereof, to be stamped or marked in presence of one of the signers as aforesaid, and also with such letters as may express the period of time to which the said interest is allowed or counted, as by him received in payment of any debt due to the state, or from the continental loan-office of this state as aforesaid, and shall lay an account of the same, certified in manner before directed, and of all charges thereby incurred, before the Legislature at their next sitting thereafter, for the purpose before-mentioned.

35. *And it is hereby further enacted*, That the continental loan-officer of this state shall cause all the bills of the currency aforesaid, which now remain in his office as the proportion of the United States, or which may be hereafter left for their use by exchange, to be stamped or marked in manner aforesaid, in the presence of the treasurer of the state for the time being, or of one of the signers of the said bills, and shall lay an account of the same, and the charges arising from this service, before the legislature, certified in manner before-mentioned, for allowance and payment.

36. *And be it further enacted*, That the bills stamped or marked as aforesaid, shall not bear any interest thereafter, any law, usage or custom to the contrary notwithstanding.

37. *And be it enacted by the authority aforesaid*, That it shall and may be lawful for the treasurer of the state for the time being, and he is hereby authorized and required to appropriate so much of the gold and silver coin by him received in payment of the tax directed to be raised by this act, as may be necessary for the discharge of the first year's interest on such of the bills of credit issued on the faith of this state, pursuant to the resolutions of Congress of the eighteenth of March, One Thousand Seven Hundred and Eighty,

as shall be to him tendered for that purpose after the first day of January, One Thousand Seven Hundred and Eighty-two, and to cause the same to be stamped or marked with the letters and figures following, in red ink, *int. pd. 1 yr.* before he shall redeliver the same to the owner; and in case any of the bills so stamped or marked, shall thereafter be received by the treasurer in payment of taxes or of debts due to the state, he shall cause the same to be stamped and marked as directed in a former section of this act, allowing the interest thereon from the ninth day of June, one thousand seven hundred and eighty one, to the time of receiving the same into the treasury, and an account of all charges arising from the performance of the said services, shall be laid before the Legislature in like manner, for their allowance and payment.

38. *AND WHEREAS* through the neglect of the collection of some of the counties in this state, in not having transmitted the duplicates of the assessments to the Legislature, agreeably to the directions of an act, intitled, *An Act to raise the sum of Three Million Three Hundred and Seventy five Thousand Pounds in the State of New-Jersey*, the quotas laid upon the several counties by this act, may be disproportionate: *Be it therefore enacted by the authority aforesaid*, That if it shall appear on the next settlement of the quotas of the several counties, by a more clear and complete account of the several persons, articles and things made rateable therein, that the quota of any county, as laid in this act, is greater than its just proportion, the surplus shall be credited to such county in the settlement of its next quota.

39. *And be it enacted by the authority aforesaid*, That the several assessors, collectors, and freeholders, while employed in the service herein required

required of them respectively, shall be exempted from actual service in the militia.

Passed at Princeton,
June 21, 1781.

M. EWING, jun.
Clerk of the General Assembly.

By the United States in Congress assembled.

Monday, Nov. 5, 1781.

Congress proceeded to the election of a President, and the ballots being taken, the Hon. John Hanson was elected.

Extract from the minutes,
CHARLES THOMSON, Sec.

Directors for the National Bank,
Nov. 1781.

Thomas Fitzsimons, John McNe-bit, James Wilson, Thomas Willing, Henry Hill, Samuel Osgood, Cad. Morris, Andrew Caldwell, Samuel Inglis, Samuel Meredith, William Bingham, Timothy Matlack.

From the PHILADELPHIA JOURNAL.

I dare say you will oblige and inform most of your customers by publishing in your Journal the following protest made in assembly, on occasion of passing the bill for the better support of government. As some alterations have been made in it, I shall mention the most considerable of them. The salary of the Chief Justice is raised to nine hundred pounds per annum, but those of the second, third and fourth stand as in the published copy, the second at four hundred pounds, the others at three hundred pounds. The blank for the commencement of them all, both those of the executive and judicial branches, are by a strange management put back to the 22d of June last, this obliges such as remain in office, to account for sums received

by them upon former allowances, as part of the year's salary. A. B.

Extracts from the minutes of General Assembly, Thursday, Dec. 27, P. M.

The bill for the support of government and administration of justice being brought in engrossed, was read and compared at the table; whereon the question was put, Shall the same be enacted into a law? and the yeas and nays being required by Mr. Montgomery and Mr. Wilkinson, stood as follows:

Yeas.—Sharp Delany, John Steinmetz, Samuel Meredith, Matthew Holgate, Thomas Rees, Henry Hill, George Campbell, Gerardus Wynkoop, Thomas Long, Evan Evans, John Hannum, James Moore, Jacob Cooke, Christopher Kucher, Jacob Carpenter, Abraham Scott, Mathias Slough, James Jacks, Jacob Kruge, William Brown, Robert McPherson, Moses McClean, Michael Schymser, Thomas Lilly, Michael Staln, Joseph Magoffin, Robert Magaw, John Montgomery, Stephen Duncan, Benjamin Wiefar, John Bishop, Jonas Hartzel, Robert Lattimer, Bernard Dougherty, Jacob Strowd, Charles Cefne, Isaac Meason, John Proctor, John Canon.

Nays.—Joseph McClean, George Smith, James Fatey, James Wilkinson, John Culbertson, Tho. Maffay, John Lindsay, Patrick Anderson, James Porter, James McClean, John Whitehill, James Mercer, William McFaran, James Edgar, William Montgomery.

So it was determined in the affirmative, and the Speaker was directed to sign the same.

Dissentient,

Because this bill contains provisos and regulations diametrically contradictory to the spirit and letter of the Constitution of this State, regulations which manifestly tend to confound and

and bring into one, the legislative, executive, and judicial branches of the government, which have been so carefully and distinctly marked out and separated by the convention, and upon the reciprocal independence of which, the life, liberty, and property of every citizen doth essentially depend; and we are so decided in this sentiment, that we declare, in the words of Judge Blackstone, when speaking of the three branches of the British legislature, "That if ever it should happen, that the independence of any of the three branches of government should be lost, or that it should become subservient to the views of the other two, there would soon be an end of the Constitution, and that such a change, however effected, would be at once a dissolution of the bands of government."

Because this bill, by giving annual salaries to the principal officers of the executive and judicial branches of government for one year, to be altered afterwards by the legislature from time to time, in fact, abolishes the independence of those departments, and by evading the checks of the Constitution, indirectly reduces them into mere shadows of the assembly for the time being; thus threatening a compleat tyranny in the hands of a few men, or rather, as the spirit of the people is too big for such an event; and, as the confederation in which we are linked with the United States would prevent it, contriving a scene of anarchy sufficient to oblige the people to consent to the abolition of the present form of government, unrighte-

ously charged with insufficiency and mischief.

Because, from a most extraordinary particularity, and by a retrospective wording of this bill, the salaries which it provides for the officers therein named, for one year, are to begin from the 22d day of June last, the day on which the tender of paper money was taken away; thus calling on persons, some of whom are now out of office, and who have received the sums then lawfully due to them, to refund a part of the same or rather obliging the State to institute odious and unreasonable suits in the law, for monies to which, till this bill was passed, they had a legal right as to any part of their estates; and thus committing the authority of this House, in a case which will be thought a hard one, to the judgment of a common jury; and we are the more averse to this part of the bill, as this *ex post facto* clause, which will form a dangerous precedent, is introduced with a very ill grace, considering that the bills of credit, in which the salaries of these officers are payable, during the six months preceeding the said 22d of June, were twenty-five per cent. worse than specie, at their commencement in December last, and that they depreciated within the first quarter to two for one, and soon after to six for one.

Because this bill pretends, so far as the authority of the legislature will go, to set aside a regular constitutional proceeding of the first assembly of this Commonwealth of the 19th of March, 1777, P. M.* whereby, upon application of the President

* Wednesday, March 19, 1777, P. M. Mr. Hubley and Mr. Taylor, two members of the executive council, came in and informed the house, that they were sent by the council to desire that assembly would now fix the salaries of the chief justice, and other judges of the supreme court of this Commonwealth, previous to their appointments; whereupon the house taking the same into consideration:

Resolved

President and Council to the legislature for that purpose, previous to the nomination of any of the judges of the supreme court, and before any idea of the late unhappy depreciation of the bills of credit, then in circulation, was allowed, of by authority, or entertained by the people in general, the salaries of those judges were so fixed and established, at the rate of one thousand pounds for the chief, and five hundred pounds per annum for the assistant justices, as to place the diminishing of their annual salaries as much beyond the reach of the legislature, as the commissions since granted to them for seven years, have set them beyond the removal of council; and we the rather insist on this, as the life, liberty, and safety of the citizens of this state, more immediately depend on the full and unquestioned independency of the judges on so variable a body as the representatives in assembly must be. For if the house possess a right to legislate in this manner, it is not only possible, but likely, that men of superior estate, having important causes depending in the supreme court, or having lost such by the integrity and firmness of the judges, will endeavour to procure seats in the assembly, in order to intimidate the judges, in the first case, or punish them in the latter; thus annihilating all laws and justice. Further, because we look upon the proceeding of the assembly of March 19, 1777, before referred to, as an implied contract between the Commonwealth and the Supreme Judges, which, however apparently deranged by the late unhappy depreciation of the paper money of Congress and of this Commonwealth, caused by too large an emission thereof (surely without any fault on the part of these judges)

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ought to be considered as binding upon the State, in every consideration of justice and policy, for we must consider the occasional votes of salaries for these judges, whilst paper was tenderable, as intended merely to make good these first sums, though from the still varying state of the currency, they have proved inadequate to their first establishment; and we consider it as the duty of this house, instead of undermining this contract, to give it every possible validity at this time, when silver and gold are recurred to as the medium of the public taxes and transactions, and as the standard of private property; more especially as salaries fixed in March, 1777, are, if compared with the present prices of the necessities of life, very moderate.

Because the judges of the Supreme Court ought, by the Constitution, to have fixed salaries, whereas this bill in words, as contrary as words can be, declares them to be mutable, and aims to destroy the establishment of these salaries made by the first assembly, by lessening them at present, and holding out expressly further alterations.

Because, by passing this bill, replete with fundamental deviations from the Constitution, and highly threatening its destruction, the eighth section thereof has been violated, which forbids us to add to, alter, abolish, or infringe any part of it.

Because, if we give our assent to this bill, we are persuaded we should violate the solemn attestation which we made on taking our seats in that house; a tie by which no other officer or person in trust is bound, that we should not assent to any bill, vote, or proceeding, that shall have a tendency to lessen or abridge the rights of the people, as declared in

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the

Resolved unanimously, That the chief justice be allowed a salary of one thousand pounds per annum; and the assistant judges a salary of five hundred pounds per annum, each.

the Constitution; and were equally convinced, that the independent exercise of the constitutional authority of the executive and judicial branches of our government, are as essential to the well-being and safety of the people, as the power and privileges of this house, and we wish it to be known to our constituents, and to the world, that we are persuaded in our consciences, if we had concurred in passing this bill (which we consider, an attempt not only to lessen and abridge, but indirectly to destroy these authorities under pretence of economy) we should have been guilty of as flagrant a breach of trust and of perjury, as if we had consented to a bill for removing, or even abolishing the President and Council, and the Judges of the Supreme Court in the most direct and explicit terms.

Finally, Because so far from agreeing to establish this bill, the principles and tendency of which we abhor and dread, we declare on the contrary, that we consider it our dearest interest as citizens, and our duty as members of this house, to frame a bill and to promote a solemn act of this legislature without delay (now that gold and silver, the most staple monies of any are become the standards of value) which shall fix adequate, yet moderate, salaries and allowances for the principal executive officers without limitation of time, in order that the executive branch may become fully independent of the legislative, according to the manifest spirit and whole scope of the Constitution, especially as our legislature consists of but one branch only; and which shall recognize and provide in the most certain manner, for the payment of the proper and stipulated salaries of the Justices of the Supreme Court of Judicature, as the same were ascertained and established in literal obedience to the 23d article of the Constitution, by

the first assembly of this Commonwealth; being fully convinced, that neither this house nor our successor can lessen or diminish the provision thus made, upon constitutional principles, for the executive and judicial branches, without abridging the rights and privileges of their constituents, as declared in the Constitution, and infringing the same in the most essential manner; in as much as such a proceeding would reduce the government of Pennsylvania from being a government of laws, to a government of men,

James Wilkinson,	James Edgar,
James McLane,	Thomas Maffar,
John Culbertson,	James Porter,
James Mercer,	James Tate,
John Lindsey,	George Smith,
John Whitehill,	William Montgomery,
Patrick Anderson,	

From the FREEMAN'S JOURNAL.
RECAPITULATION of REMARK-
ABLE EVENTS in the year 1781.

- Jan. 1. The Pennsylvania line revolt.
3. Arnold lands in Virginia.
4. The Spaniards retake the castle of San Juan, in Nicaragua.
10. Claims of the Pennsylvania line adjusted, and they return to their duty.
17. Gen. Morgan defeats Colonel Tarleton at the Cowpens, in South Carolina.
20. Gen. Parsons makes a successful expedition to Morristania.
25. Colonel Lee surprises Georgetown.
29. The British take possession of Wilmington.
Feb. 3. Sir Geo. Rodney seizes St. Eustatius.
24. The French ship L'Eville of 64 guns, and two frigates, return from a successful expedition against the enemy at Chesapeake; having captured the Romulus of 44 guns, and several other vessels.

Mar.

- Mar. 1. The confederation of the United States finally ratified.
 2. Demerara taken.
 11. Commodore Johnstone's squadron sails for the East-Indies.
 12. The Dutch publish their Manifesto against the British.
 15. Battle of Guildford Courthouse.
 16. An engagement between the French and British fleets off Virginia.
 17. Cornwallis retreats towards Wilmington, leaving behind his sick and wounded.
- Apr. 16. An engagement between Com. Johnstone and M. Suffrein near St. Jago.
 19. Gen. Greene arrives before Camden.
 23. Fort Watson taken by General Marion.
 25. Second battle of Camden.
 25. Baron Stuben has a skirmish with the enemy in Virginia.
 27. Count De Grasse arrives at Martinico with twenty-seven sail of the line, and has an engagement with Sir Sam. Hood.
- May 1. Admiral Picquet takes 25 sail of the Eustatia fleet on the English coast.
 9. West Florida surrenders to Don Galvez.
 11. The post of Orangeburgh taken by Gen. Sumpter.
 12. Fort Motte taken by Gen. Marion.
 15. Cornwallis joins Arnold in Virginia.
 15. Fort Granby taken by Colonel Lee.
 18. The British evacuate and burn Camden.
 29. George-town evacuated by the British.
- June 2. Tobago taken by the French
 5. Augusta taken by Gen. Pickens and Col. Lee.
 9. King of Prussia accedes to the armed neutrality.
10. A reinforcement of troops, money, and clothing arrives at Boston from France.
 19. Gen. Greene attacks Ninety-six.
 26. Skirmish between the British and American armies near Williamsburgh.
- July 3. Gen. Lincoln has a skirmish with the enemy near Kingsbridge
 6. General Wayne engages the British army in Virginia.
 10. Col. Willet defeats a party of the enemy at Correy's town, in the state of New-York.
 12. British evacuate Ninety-six.
 16. General Sumpter has a skirmish with the enemy at Monk's Corner.
- Aug. 5. Engagement between the Dutch and English fleets off the Dogger Bank.
 16. American Government re-assumed in Georgia.
 26. Count De Grasse arrives in the Chesapeake with 28 sail of the line.
 28. Accounts reach this city of the success of Hyder Ally in the East-Indies.
 30. Gen. Washington arrives in this city.
- Sept. 5. Naval engagement off Virginia, between Count De Grasse and Admiral Graves.
 7. Count Barras arrives in the Chesapeake with eight sail of the line, and captures two frigates.
 8. Battle of Eutaw Springs.
 12. Tories in North Carolina surprise the Governor, and take him prisoner.
 13. Arnold burns New-London.
 19. A Spanish force lands on Minorca.
 28. Gen. Washington sits down before York-town, Virginia.
- Oct. 3. Fort Slongo, on Long Island, taken by Major Talmage.
 19. Cornwallis surrenders to General Washington.
- S s z
24. Colonel

24. Col. Willet defeats a party of the enemy in Tryon county.
- Nov. 1. First Directors of the national bank of North America chosen.
6. Loan from France arrives at Philadelphia.
10. Gount de Grasse sails from the Chesapeake.
15. Col. Mahan makes a successful expedition to Fair-Lawn, near Charlestown.
20. The British evacuate Wilmington.
26. Marquis de Bouille retakes St. Eustatia, and establishes the Dutch government.
26. St. Martin's and Saba retaken by the French, and their former governments re-established.
26. Count de Grasse arrives at Martinico.
26. General Washington returns from Virginia to Philadelphia.
- Dec. 25. Captain Williams makes a successful excursion to Morrisania.

From the LONDON GAZETTE.

Admiralty-Office, April 27, 1782.

Extract of a letter from the Honourable Vice-Admiral BARRINGTON to Mr. STEPHENS, dated on board the Britannia, at St. Helen's, the 25th of April, 1782.

I have the pleasure to acquaint you, for the information of my Lords Commissioners of the Admiralty, that on the 20th instant, Ushant bearing N. E. half E. 23 leagues, at one P. M. I perceived the Artois, Capt. Macbride, with a signal out for discovering an enemy's fleet, but at such a distance that it was with the utmost difficulty I could distinguish the colour of the flag; it was then calm, but a breeze soon springing up, I made the signal for a general chase; the enemy at such a distance that I could but just discover them from the Britannia's mast head at three o'clock. At the close of the

evening seven of our ships had got a good distance a-head of me, the Foudroyant, Capt. Jervis, the foremost; and in the night, it coming to blow strong, with hazy weather, after having lost his companions, at 47 minutes after 12, brought the Pegase, of 74 guns and 700 men, to a close action, which continued three quarters of an hour, when the Foudroyant, having laid her on board on the larboard quarter, the Frenchman struck. My pen is not equal to the praise that is due to the good conduct, bravery, and discipline of Capt. Jervis, his officers and seamen, on this occasion: let his own modest narrative, which I herewith inclose, speak for itself.

The next morning, soon after day break, the wind then at South, blowing strong, it shifted in an instant to West, and with such violence that it was with difficulty I could carry my courses to clear Ushant and get the Channel open, which being accomplished by noon, I brought to and remained so until the evening of the 22d, to collect the squadron,

By the accounts of the prisoners there were 18 sail, laden with stores, provisions, and ammunition, under the convoy of the Protecteur of 74, Pegase 74, L'Andromache 32, together with L'Actionnaire, a two-decker, armed en flûte, all bound for L'Isle de France. They left Brest the 19th instant.

I cannot pretend to give their Lordships a particular account of the number of prizes, but must refer them to that they may receive as they arrive in port, though I believe there are ten at least.

Proceedings of his Majesty's ship under my command, from the 20th inst.

Near sun-set, on the 20th, I was near enough to discover that the enemy consisted of three or four ships of war, two of them at least of the line, with seventeen or eighteen sail under their

their convoy, and that the latter dispersed by signal. At half past nine, I observed the smallest of the ships of war to speak with the headmost, and then bear away. At a quarter past ten, the sternmost line of battle ship, perceiving we came up with her very fast, came up also. I pursued her until at 47 minutes after twelve she brought her to close action, where she continued three quarters of an hour, when, having laid her aboard on the larboard quarter, the French ship of war *Le Pegase*, of 74 guns and 700 men, commanded by the *Chevalier de Cillart*, surrendered.

The discipline and good conduct of the officers and men under my command will best appear by the state of the killed and wounded, and of the damages sustained in each ship.

I am happy to inform you, that only two or three people, with myself, are slightly wounded; but I learn from the *Chevalier De Cillart*, that *Le Pegase* suffered a very great carnage, and was materially damaged in her masts and yard, the mizen mast and foretop mast having gone away soon after the action ceased.

It blew so strong yesterday morning, that I with difficulty put eighty men on board the prize, but received only forty prisoners in return, in performing which I fear two of our boats were lost. The disabled state of the prize, together with the strong wind and heavy sea, induced me to make the signal for immediate assistance, which Commodore Elliott supplied, by making the *Queen's* signal to assist the disabled ship.

At eight o'clock last night they bore S. S. W. four miles distance of us: We lay too till ten, in hopes of their joining, but not perceiving them, we bore up, and ran N. E. twenty-three miles till day-light, when, seeing nothing of them, we brought too, and at half past eight made sail to join the squadron.

By all I can learn from the prisoners, this small squadron, composed of *Le Protecteur*, *Monsieur De Soulange*, *Commodore*, *Le Pegase*, and *L'Andromaque* frigate, was making a second attempt to proceed on an expedition to the East-Indies, some of the troops having been before captured under that destination by the squadron under the command of Rear-admiral *Kempenfelt*, in the presence of the above-mentioned ships of war.

J. JERVIS.

Foudroyant, April 23, 1782.

Admiralty-Office, April 27, 1782.

Sir George Rodney, in his letter dated Gros Islet Bay, St. Lucia, the 15th of March, mentions that he arrived at Barbadoes the 19th of February, with twelve ships of the line; that he formed a junction with Rear-admiral Sir Samuel Hood on the 15th, to windward of Antigua; that he was afterwards joined by the *Duke*, *Valiant*, and *Warrior*, from England; and that, having completed the provisions and water of the squadron, was preparing to sail upon a cruize, to watch the motions of the enemy's fleet at Martinique, which consisted of thirty-one sail of the line including two fifty gun ships.

By the UNITED STATES in CONGRESS assembled, October 29, 1781.

Resolved,

That the thanks of the United States in Congress assembled, be presented to Major General Greene, for his wife, decisive and magnanimous conduct in the action of the 8th of September last, near the Eutaw Springs, in South Carolina; in which, with a force inferior in number to that of the enemy, he obtained a most signal victory.

That the thanks of the United States in Congress assembled be presented to the officers and men of the
Maryland

Maryland and Virginia brigades, and Delaware battalion of Continental troops, for the unparalleled bravery and heroism by them displayed, in advancing to the enemy through an incessant fire, and charging them with an impetuosity and ardour that could not be resisted.

That the thanks of the United States in Congress assembled, be presented to the officers and men of the legionary corps and artillery, for their intrepid and gallant exertions during the action.

That the thanks of the United States in Congress assembled be presented to the brigade of North Carolina, for their resolution and perseverance in attacking the enemy, and sustaining a superior fire.

That the thanks of the United States in Congress assembled, be presented to the officers and men of the state corps of South Carolina, for the zeal, activity and firmness by them exhibited throughout the engagement.

That the thanks of the United States in Congress assembled, be presented to the officers and men of the militia, who formed the front line in the order of battle, and sustained their post with honour, propriety, and a resolution worthy of men determined to be free.

Resolved, That a British standard be presented to Major General Greene, as an honourable testimony of his merit, and a golden medal emblematical of the battle and victory aforesaid.

That Major General Greene be desired to present the thanks of Congress to Captains Pierce and Pendleton, Major Hyne and Captain Shubrick, his aids-de-camp, in testimony of their particular activity and good conduct during the whole of the action.

That a sword be presented to Captain Pierce, who bore the General's dispatches, giving an account of the

victory, and that the board of war take order herein.

Resolved, That the thanks of the United States in Congress assembled be presented to Brigadier General Marion of the South Carolina militia, for his wise, gallant and decided conduct, in defending the liberties of his country, and particularly for his prudent and intrepid attack on a body of the British troops, on the 30th day of August last, and for the distinguished part he took in the battle of the 8th of September.

Extract from the minutes,

CHARLES THOMSON, Sec.
By the UNITED STATES, in CONGRESS assembled, Nov. 23, 1781.

Resolved,

That Major General the Marquis de la Fayette have permission to go to France, and that he return at such time as shall be most convenient to him.

That he be informed, that on a review of his conduct throughout the past campaign, and particularly during the period in which he had the chief command in Virginia; the many new proofs which present themselves of his zealous attachment to the cause he has espoused, and of his judgment, vigilance, gallantry and address in its defence, have greatly added to the high opinion entertained by Congress of his merit and military talents.

That he make known to the officers and troops whom he commanded during that period, that the brave and enterprising services with which they seconded his zeal and efforts, and which enabled him to defeat the attempts of an enemy far superior in numbers, have been beheld by Congress with particular satisfaction and approbation.

Extract from the minutes,

CHARLES THOMSON, Sec.
Philadelphia, Nov. 25, 1781.

SIR,

I have been honoured with your
Excellency's

Excellency's letter of yesterday, enclosing the resolutions which Congress have been pleased to pass in my favour.

Testimonies of their esteem and of their confidence, that are so very flattering to me, could not but excite those exalted sentiments of gratitude which I am unable sufficiently to express.

My attachment to America, the sense of my obligations, and the new favours conferred upon me, are so many everlasting ties that devote me to her; at every time, in every part of the world, my heart will be panting for opportunities to be employed in her service.

With unspeakable pleasure I shall transmit the resolve of Congress to the brave and virtuous troops whom it has been my happiness to command.

While I beg you will present Congress with the most respectful homage of my gratitude, give me leave, Sir, to acknowledge the polite manner in which your Excellency has been pleased to announce their favours, and permit my best thanks to be joined to the assurance of the high respect with which I have the honour to be,

Your Excellency's

Most obedient humble servant,

LA FAYETTE.

His Excellency John Hanson,

President of Congress,

STATE OF PENNSYLVANIA.

In GENERAL ASSEMBLY, Thursday, December 6, 1781.

The House resumed the consideration of the bill for the immediate defence of the frontiers, and having amended, and debated the same by paragraphs, *Ordered*, That it be transcribed for the third reading, and in the mean time printed for public consideration.

Extract from the minutes,

PETER Z. LLOYD, Clerk to the General Assembly.

An Act for the immediate defence of the frontiers of this State, and for other purposes therein mentioned.

Whereas, the repeated incursions and depredations of the savage allies of the King of Great Britain, in conjunction with his forces, have been carried on for some years past with unabated perseverance in the frontiers of this State, to the great injury of that part of Northampton county which lies beyond the mountains, and also the counties of Bedford, Northumberland, Westmoreland and Washington, and the district or township of Armaugh, in Cumberland county: For remedy whereof, *Be it enacted, and it is hereby enacted by the representatives of the freemen of the Commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same*, That one company, in addition to the four companies, already ordered to be raised, by a resolve of the House of Assembly of the 23d day of December, 1780, be immediately raised, completed and equipped, to serve during the present war, or until discharged, each company to consist of one Captain, one Lieutenant, one Ensign, four Sergeants, four Corporals, one Drummer, one Fifer, and sixty Privates; and which five companies are to be paid, clothed, victualled and otherwise provided for, and rewarded with lands at the end of the war, as the other troops in the service of the United States, and belonging to this State are; and be under the direction of the Supreme Executive Council of this State for the time being, for the defence of the said frontiers.

And be it further enacted by the authority aforesaid, That the Supreme Executive Council shall appoint and commission the additional officers of said corps, to be taken from those of the Pennsylvania line, who are now, or hereafter may be on half-pay; and shall pay to the officers, or any other person

person enlisting any able bodied recruit, the sum of Thirty Shillings, as soon as he shall be attested and have passed muster; and shall, over and above the cloathing, rations, and other emoluments mentioned in the foregoing clause, to be given to each soldier as therein directed, pay the sum of Nine Pounds bounty to each recruit, one third part thereof at the time of enlistment, and the remaining two thirds when they shall severally pass muster as aforesaid.

And whereas such incursions and depredations of the enemy are often so sudden and violent, as to require the immediate exertion of the inhabitants of the said counties and frontiers, in order to put a stop to the enemy's penetrating into the said counties and districts, and also to pursue, overtake, way-lay and discover, and otherwise annoy them in their retreat, *Be it therefore further enacted by the authority aforesaid*, That as often as such incursions and depredations shall happen to be made, or as often as there shall be sufficient reason to apprehend such shall be the design of the enemy, that then, and in such case, and in such case only, such of the inhabitants as will from time to time go in pursuit of the enemy, in order to overtake and way-lay them, and to discover their tracks and approaches, shall be entitled to militia pay and rations of provisions, while it shall appear they were necessarily employed in such service.

Provided always, That before such pay is ordered to be made, the Lieutenant of the respective county, on the oath or affirmation of one or more of the party so serving, shall certify the time and nature of the service in which he or they have been so employed, and the necessity of a party or parties going on such service; and the Supreme Executive Council are hereby authorised and empowered to draw on the Treasury of this State from time to time, for such

sum or sums which shall be for the purposes aforesaid.

And whereas, by such incursions and depredations, the greater part of the inhabitants of said frontiers have been driven from their habitations, and thereby dispersed, their houses and fences burnt, their cattle killed or taken, and otherwise much distressed, and thereby rendered unable to pay the public dues; *Be it therefore enacted by the authority aforesaid*, That it shall and may be lawful to and for the commissioners of the said counties respectively, or any two of them, and they are hereby enjoined and required, in all cases wherein the inhabitants have been obliged by the enemy to abandon their habitations, so that no proper return can be obtained of their property, as pointed out by law, to obtain such account by the form, books, or rolls of the last valuation of property, or by such other ways and means as to them shall seem just and satisfactory; and shall thereupon proceed to value and levy the same, in just proportion to the other parts of the counties respectively, as nearly as may be.

And be it further enacted by the authority aforesaid, That the said Commissioners, or any two of them, are hereby authorised and required to exonerate and discharge such of the taxable inhabitants as shall make sufficient proofs, or, for, and in behalf of whom satisfactory evidence shall appear to the said Commissioners respectively, of their having been driven off and dispossessed of their settlements, or otherwise distressed by means of the enemy, from the payment of all, or such part as to them shall seem just and reasonable, as well of the taxes already laid and assessed on the said inhabitants, as the taxes which may be laid as aforesaid during the continuance of the present distressed state of the counties aforesaid,

And

And whereas a considerable number of the said inhabitants have with great courage and fortitude stood their ground, on the verge of the frontiers, in jeopardy and at the hazard of their lives, and thereby still forming in some measure, a barrier to the flying inhabitants, and eventually preventing the enemy penetrating into the interior parts of the State; *Be it therefore enacted by the authority aforesaid*, That for the greater encouragement of such as have stood, and will hereafter stay on their plantations, at the verge of the frontiers, in jeopardy and at the hazard of their lives, that it shall and may be lawful to and for the said Commissioners, in like manner as aforesaid, to exonerate and discharge from the payment of taxes, either in whole or in part, as shall seem to them just and reasonable, all such as have stood, and will hereafter in like manner stand in defence of the frontiers.

And be it further enacted by the authority aforesaid, That the said Commissioners, or any two of them, shall transmit without delay to the General Assembly, a list of the names of the persons so exonerated, stating the amount of the sums so remitted, that the deficiencies which may arise in raising the quotas of the said counties may be made good, and provided for in levying and raising the other taxes of the State.

Philadelphia, Nov. 27.

Translation of a Discourse delivered on the 4th instant, in the Catholic Church in this City, before the Honourable the Congress, his Excellency the Minister of France, and many other Gentlemen of distinction. By M. de BANDOLE, Chaplain to the Embassy of France.

GENTLEMEN,

A numerous people assembled to render thanks to the Almighty for his mercies, is one of the most

affecting objects, and worthy the attention of the Supreme Being. While camps resound with triumphal actions, while nations rejoice in victory and glory, the most honourable office a minister of the altars can fill, is to be the organ by which public gratitude is conveyed to the omnipotent.

Those miracles which he once wrought for his chosen people are renewed in our favour; and it would be equally ungrateful and impious not to acknowledge, that the event which lately confounded our enemies and frustrated their designs, was the wonderful work of that God who guards your liberties.

And who but he could so combine the circumstances which led to success? We have seen our enemies push forward amid perils almost innumerable, amid objects almost insurmountable, to the spot which was designed to witness their disgrace; yet they eagerly sought it as their theatre of triumph!

Blind as they were, they bore hunger, thirst, and inclement skies, poured out their blood in battle against brave republicans, and crossed immense regions to confine themselves in another Jericho, whose walls were fated to fall before another Joshua. It is he, whose voice commands the winds, the seas, and the seasons, who formed a junction on the same day, in the same hour, between a formidable fleet from the south, and an army rushing from the north like an impetuous torrent. Who but he, in whose hands are the hearts of men, could inspire the allied troops with the friendships, the confidence, the tenderness of brothers? How is it that two nations once divided, jealous, inimical, and nursed in reciprocal prejudices, are now become so clearly united, as to form but one? Worldlings would say, it is the wisdom, the virtue, and moderation of their chiefs, it is a great national interest

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terest which has performed this prodigy. They will say, that to the skill of the generals, to the courage of the troops, to the activity of the whole army, we must attribute this splendid success: ah! they are ignorant, that the combining of so many fortunate circumstances, is an emanation from the all perfect mind: that courage, that skill, that activity, bear the sacred impression of him who is Divine.

For how many favours have we not to thank him during the course of the present year? Your union, which was at first supported by justice alone, has been consolidated by your courage, and the knot which ties you together is become indissoluble, by the accession of all the states, and the unanimous voice of all the confederates. You present to the universe the noble sight of a society, which, founded in equality and justice, secure to the individuals who compose it, the utmost happiness which can be derived from human institutions. This advantage, which so many other nations have been unable to procure, even after ages of effort and misery, is granted by Divine Providence to the United States; and his adorable decrees have marked the present moment for the completion of that memorable happy revolution, which has taken place in this extensive continent. While your counsels were thus acquiring new energy, rapid multiplied successes have crowned your arms in the southern states.

We have seen the unfortunate citizens of these states forced from their peaceful abodes; after a long and cruel captivity, old men, women, and children, thrown without mercy into a foreign country. Master of their lands and their slaves, amid his temporary influence, a superb victor rejoiced in their distresses. But Philadelphia has witnessed their patience

and fortitude; they have sought here another home; and though driven from their native soil, they have blessed God that he has delivered them from their presence, and conducted them to a country where every just and feeling man has stretched out the helping hand of benevolence. Heaven rewards their virtues. Three large states are at once wrested from the foe. The rapacious soldier has been compelled to take refuge behind his ramparts, and oppression has vanished like those phantoms which are dissipated by the morning ray.

On this solemn occasion, we might renew our thanks to the God of battles, for the success he has granted to the arms of your allies and your friends by land and by sea, through the other parts of the globe. But let us not recal those events which too clearly prove how much the hearts of our enemies have been obdured. Let us prostrate ourselves at the altar, and implore the God of mercy to suspend his vengeance, to spare them in his wrath, to inspire them with sentiments of justice and moderation, to terminate their obstinacy and error, and to ordain that your victories be followed by peace and tranquillity. Let us beseech him to continue to shed on the counsels of the King your ally, that spirit of wisdom, of justice, and of courage, which has rendered his reign so glorious. Let us intreat him to maintain in each of the states that intelligence by which the United States are inspired. Let us return him thanks that a faction, whose rebellion he has corrected, now deprived of support, is annihilated. Let us offer him pure hearts, unsoiled by private hatred or public dissension; and let us, with one will and one voice, pour forth to the Lord that hymn of praise, by which Christians celebrate their gratitude and his glory.

Philadelphia.

Platidephia.
Head Quarters, Continental Village,
November 17, 1781.

SIR,

On the morning of the 13th inst. Lieut. De Forest, of the Connecticut Regt, who had been detached by Major-General Parsons, with 25 regular troops, and Capt. Lockwood of the militia, with 15 volunteers, including Lieutenants Hull and Meade, of the Connecticut State troops, formed a design of boarding a sloop of ten carriage guns, then at anchor in East Chester bay: and having taken a small sloop of about 30 tons in East-Chester creek, they embarked and fell down the creek to the bay. Upon being hailed by the sloop, they answered, that "the rebel boats were down, and they had pushed out of the creek to anchor under their protection." With this deception they laid her on board, but found themselves disappointed in the strength of the vessel, her nettings being almost twelve feet above the gunwale. Here the assailants prevailed, after four minutes conflict, with bayonets and lances only; they cut the nettings so as to admit one man to enter. Lieut. Meade boarded, (and received a wound; supposed to be mortal) he was followed by the rest, who in a short time carried the vessel; she had 25 men on board; at the same time a part of the detachment made after the wood fleet, six of whom were taken. The vessels were brought to Stamford. About sixty prisoners were taken; twenty five of whom are soldiers. We had none killed; Lieutenant Meade and three men wounded, the former dangerously. The enemy had none killed; the Captain of the armed sloop and four men were badly wounded. This enterprise was conducted with much address and great gallantry.

I have the honour to be, with the

highest respect, your Excellency's most obedient servant,

W. BRATH.

His Excellency the President of Congress.

Published by order of Congress,

CHARLES THOMSON, Sec.

By the UNITED STATES in CONGRESS assembled, Oct. 29, 1781.

Resolved,

That the thanks of the United States in Congress assembled, be presented to his Excellency General Washington, for the eminent services which he has rendered to the United States, and particularly for the well-concerted plan against the British garrisons in York and Gloucester, for the vigour, attention, and military skill with which the plan was executed, and for the wisdom and prudence manifested in the capitulation.

That the thanks of the United States in Congress assembled, be presented to his Excellency the Count de Rochambeau, for the cordiality, zeal, judgment and fortitude, with which he seconded and advanced the progress of the allied army against the British garrison in York.

That the thanks of the United States in Congress assembled, be presented to his Excellency Count de Saratoga, for his display of skill and bravery in attacking and defeating the British fleet off the Bay of Chesapeake, and for his zeal and alacrity in rendering, with the fleet under his command, the most effectual and distinguished aid and support to the operations of the allied army in Virginia.

That the thanks of the United States in Congress assembled, be presented to the commanding and other officers of the corps of artillery and engineers of the allied army, who sustained extraordinary fatigue and danger, in their animated and gallant approaches to the lines of the enemy.

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That

That General Washington be directed to communicate to the other officers and the soldiers under his command, the thanks of the United States in Congress assembled, for their conduct and valour on this occasion.

Resolved, That the United States in Congress assembled, will cause to be erected at York, in Virginia, a marble column, adorned with emblems of the alliance between the United States and his Most Christian Majesty; and inscribed with a succinct narrative of the surrender of Earl Cornwallis to his Excellency Gen. Washington, Commander in Chief of the combined forces of America and France, to his Excellency the Count de Rochambeau, commanding the auxiliary troops of his Most Christian Majesty in America, and his Excellency the Count de Grasse, commanding in chief the naval army of France in the Chesapeake.

Resolved, That two stands of the colours, taken from the British army under the capitulation of York, be presented to his Excellency General Washington in the name of the United States in Congress assembled.

Resolved, That two pieces of field ordnance, taken from the British army under the capitulation of York, be presented by the Commander in Chief of the American army to Count de Rochambeau; and that there be engraved thereon a short memorandum, that Congress were induced to present them from considerations of the illustrious part which he bore in effectuating the surrender.

Resolved, That the Secretary of Foreign Affairs be directed to request the Minister Plenipotentiary of his Most Christian Majesty, to inform his Majesty, that it is the wish of Congress that Count de Grasse may be permitted to accept a testimony of their approbation, similar to that to be presented to Count de Rochambeau.

Resolved, That the Board of War be directed to present to Lieut. Col. Tilghman, in the name of the United States in Congress assembled, a horse properly caparisoned, and an elegant sword, in testimony of their high opinion of his merit and ability.

Nov. 7, 1781. Resolved, That the Secretary of Foreign Affairs be directed to prepare a sketch of emblems of the alliance between his Most Christian Majesty and the United States, proper to be inscribed on the marble column to be erected in the town of York, under the Resolution of the 29th day of October last.

Resolved, That an elegant sword be presented, in the name of the United States in Congress assembled, to Col. Humphrey, Aid de Camp of Gen. Washington, to whose care the standards taken under the capitulation of York were consigned; as a testimony of their opinion of his fidelity and ability, and that the Board of War take order therein.

Extract from the minutes,

CHARLES THOMPSON, Sec.

Wednesday last his Excellency the President and Supreme Executive Council of the State, waited on his Excellency Gen. Washington, and presented the following address:

To his Excellency GEORGE WASHINGTON, Esq. General and Commander in Chief of the allied army.

SIR,

Our cordial acknowledgments are ever due to your Excellency, for the great and disinterested service you have rendered our common country; but on this occasion we approach you with peculiar pleasure, and can only regret, that the common language of congratulation will too imperfectly convey our grateful sense of the late eminent display of your military virtues, in the capture of a British General and his whole army. We are at a loss which most to admire, the wisdom of the plan, or the skill

skill and gallantry of the execution, and are too sensible of the important consequences flowing from this great event, to wish to restrain the effusion of gratitude to your Excellency, to our brave and generous allies, and our gallant countrymen, thus led by their beloved General to victory and glory.

Our prayers shall ever be, that Heaven may distinguish you with its choicest blessings, as the best reward of such great and glorious services.

WILLIAM MOORE, President.
In Council, Philadelphia,
Novem. 27, 1781.

To which his Excellency, the General, was pleased to make the following answer :

To his Excellency WILLIAM MOORE, Esq. President of the Supreme Executive Council of the State of Pennsylvania.

SIR,

I consider this very polite address of the Supreme Executive Council, as a fresh mark of that attention which I have ever experienced from them.

My services I consider as my country's due, and when they meet the approbation of my fellow citizens, I shall ever esteem myself happy in so agreeable a reward.

The late success of the American arms at York-town, in Virginia, so vigorously aided by the noble exertions of our generous ally, if properly improved, will, I doubt not, be attended with the happiest consequences.

I most sincerely thank you, Sir, for your kind wishes for my personal prosperity, and beg you to be assured, that a full establishment of peace, liberty, and independence to this, and the other United States of America, is the most ardent wish of, Sir,

Your most obedient,

very humble servant,

GEORGE WASHINGTON.

Friday last the Speaker, accompanied by several members of the House of Assembly, waited upon his Excellency General Washington, and presented the following address :

To his Excellency GEORGE WASHINGTON, Esq. Commander in Chief of the armies of the United States of America.

SIR,

The representatives of the Freemen of Pennsylvania, in General Assembly met, wish to express their sincere joy on your Excellency's arrival in this city.

The very great events that have lately taken place in Virginia, under your command, have fully justified the expectations, formed by your country, of your abilities and patriotism; to add to her esteem for you was impossible.

Humbly depending on the protection of Providence, we entertain the strongest hopes, that your distinguished qualities—the wise and generous exertions of our illustrious ally—the glorious behaviour of his forces, and the gallantry and good conduct of the American armies, will bring the present contest to such a conclusion, as will establish the freedom, independence, and prosperity of the United States, on a permanent foundation.

That, amidst the public happiness, to which you have so eminently contributed, and the grateful praises and affections which you have so well deserved, you may enjoy every private felicity, is one of the first and warmest wishes of our hearts.

(Copy) Signed by order of the House.

FREDERICK A. MUHLENBERG,
Speaker.

To which his Excellency was pleased to return the following answer :

GENTLEMEN,

I esteem myself highly honoured by the address of so respectable a body as the Representatives of the Freemen

Freemen of Pennsylvania, in General Assembly met. While I confess that it is extremely pleasing to me to know that my conduct, in the late successful enterprize against the enemy in Virginia, meets that approbation of my fellow citizens, I think it a duty incumbent upon me to declare, that great part of the merit of that important event was owing to the assistance I derived from the good conduct and bravery of the officers and men under my command.

The powerful succours which we received from the land and sea forces of our great, good and generous ally, ought to, and I am sure does, make the most grateful impression upon the heart of every true American.

In return for your warm expressions of personal regard, permit me most sincerely to assure you, that I wish nothing more ardently than the peace and prosperity of the State which you represent.

With all possible respect, I am,
Gentlemen,

your most obedient servant,
(Signed) GEO. WASHINGTON.

The Hon. the Speaker and Representatives of the freemen of the State of Pennsylvania, in General Assembly met. (Copy.)

STATE OF PENNSYLVANIA, IN
GENERAL ASSEMBLY.

Tuesday, Nov. 27, P. M. 1781.

The Bill, entitled "An Act to encourage the apprehending prisoners of war, who have, or hereafter may escape from the place of their destination, and to discourage harbouring them in this State," was taken up for a second reading, and having been read and debated by paragraphs, the same was ordered to be transcribed, and in the mean time printed for public consideration.

Extract from the minutes,

PETER Z. LLOYD, Clerk to
the General Assembly.

An Act to encourage the apprehending prisoners of war, who have, or hereafter may escape from the place of their destination, and to discourage harbouring them in this State.

Whereas it has been found by experience, that the lenity and indulgence extended to the British and German prisoners of war, confined in sundry places within the United States, have been abused by them to base and perfidious purposes; and that many of them, assuming the habit and profession of labourers, have effected their escape, and joined our enemies within the British lines at New-York: for remedy whereof, Be it enacted, and it is hereby enacted by the representatives of the freemen of the Commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same, That it shall and may be lawful for any of the inhabitants of this State, as well as to the different officers, whether civil or military, in the same, and they are hereby strictly enjoined and required, to make diligent enquiry after and take up all such prisoners of war, as they may have reason to believe are either secreted or concealed under any habit or pretence whatsoever, and them forthwith to bring before the next justice of the peace for examination. And if, upon such examination, it shall appear that said person so brought is a prisoner of war, he shall be committed to the jail of the county, and notice immediately transmitted to the War-office of the name and place of confinement of such offender, that proper measures may be taken to return him to the place of his destination; but if he refuses to give a satisfactory account of himself, then he shall be committed to the jail of the county where such person may be apprehended, there to remain until the next court of general quarter sessions of the peace, which court shall take order on the case of said prisoner.

And

And for the encouragement of those persons who may exert themselves in bringing such offenders to justice, *Be it further enacted by the authority aforesaid*, That the said justice or justices shall deliver to any person, having so apprehended a prisoner of war, a certificate of the service performed, directed to the Lieutenant of the county or Sub Lieutenant of the district where such person shall reside, requiring them to exempt the said person from his next tour of military duty, and he shall be accordingly exempted. But if the said person shall refuse such certificate, he shall produce an account of his expences and charges in performing the said service, and shall be allowed his reasonable account, for which he shall receive from the said justice or justices a draft on the Treasurer of the county; which said draft shall be allowed to him, or any other person to whom he may assign the same, in the payment of State taxes.

And, in order the more effectually to deter all persons from the base and treacherous practice of aiding, abetting, concealing or assisting such prisoners of war, *Be it further enacted, by the authority aforesaid*, That whatsoever person shall be duly convicted in any court of quarter sessions of this State, either of concealing, aiding, abetting, or otherwise assisting such prisoner of war in making his escape, shall forfeit, on such conviction, the sum of *fifty pounds*, one half to the State, and the other half to the person prosecuting for the same; but if the person so convicted shall be unable to pay, he shall be publicly whipped, with thirty-nine lashes; and this offence is hereby declared to be made enquireable in the court of quarter sessions, and the constables shall, on making their quarterly returns, answer on oath, touching their knowledge of any offence against this law. *Provided*

always, That nothing in this act shall be meant, construed or intended to effect any persons, who shall receive prisoners of war for the purpose of labour by any order from the War-office, or such officer whom they may authorize to grant such order. But such persons, so receiving prisoners of war, are hereby required to enter the names of such prisoners with the next justice of the peace, within one week after bringing them to the place of their respective residences.

Philadelphia, Dec. 11, 1781.

Yesterday the trustees and faculty of the University of this State, waited on his Excellency General Washington, and presented the following address:

To his Excellency GEORGE WASHINGTON, Esq. Commander in Chief of the armies of the United States of America.

SIR,

The trustees and faculty of the University of Pennsylvania, deeply impressed with a sense of the many important services you have rendered to America, happy in the protection which this seminary of learning, in common with others, has obtained by your exertions, and elated with the pleasing prospect of the progress of science, and the establishment of the independence and peace of America, beg leave to testify their participation of the general joy, that is felt by all the friends of their country, on the capture of Lord Cornwallis and his army. Penetrated with the most lively sentiments of gratitude to Heaven, for the preservation of your important life, they feel an additional pleasure in the reflection, that it has pleased the Most High, who superintends and directs the Councils of States and Princes, to accomplish this glorious event, under the immediate auspices of your Excellency, in conjunction with

with the united counsels and forces of America and France: an event which must tend to humble the pride of Britain, while it cements the union, and strengthens the affection of the confederate nations, and encircles, with unfading glory, the head of that magnanimous prince, to whom we are so much indebted, and which will transmit to posterity, with honour, the names of his intrepid officers, particularly the Counts De Grasse and De Rochambeau, who with distinguished wisdom, alacrity, zeal and abilities, have seconded the wishes of their sovereign, by uniting their exertions in the execution of your Excellency's well concerted and judicious plan.

Signed by order, and in behalf of the Board of Trustees.

WM. MOORE, President.

In behalf of the faculty,

JOHN EWING, Provost.

To which his Excellency the General was pleased to return the following answer:

To his Excellency WILLIAM MOORE, Esq. President of the Board of Trustees; and the Reverend Mr. EWING, Provost of the University of Pennsylvania.

GENTLEMEN,

Among the several congratulatory addresses which I have had the honour of receiving from my fellow citizens, on the late important success of the allied arms, I esteem none more highly than this of the trustees and faculty of the University of Pennsylvania.

Convinced that science is the nurse of liberty, I have ever made it a rule to protect and encourage, to the utmost of my power, all seminaries of learning; and inexpressibly happy shall I be to think, that my services have, in any degree, contributed to the re-establishment of an institution, so eminently distinguished as that which you, gentlemen, patronize.

It will afford a very sensible satisf-

faction to the generals of a nation, as celebrated for her progress in the arts as she is for her prowess in arms, to see their own names, and that of their illustrious sovereign, mentioned in so respectable and grateful a manner. You are perfectly right in attributing to their alacrity, zeal and ability, a great share of the honour gained at York. I have the honour to be, with the greatest veneration, gentlemen, your most obedient humble servant,

GEORGE WASHINGTON.

To his Excellency GEORGE WASHINGTON, Esq. Commander in Chief of the armies of the United States of America.

SIR,

The magistrates of city of Philadelphia beg leave to approach your Excellency with sentiments of the most perfect gratitude and esteem. When we review your great and important services, performed amidst innumerable dangers and difficulties, your unshaken fortitude, perseverance and success, our grateful hearts pay you the homage so justly due, and rise in ardent wishes to Heaven suitably to reward such eminent worth. Nor can we confine the pleasing tribute to military virtues only. The respectful regard ever shewn by your Excellency to the civil authority, claim our particular acknowledgments, and afford a high example of the union of those great qualities which form the hero and the patriot.

The glorious success in Virginia is replete with too many blessings to the great cause in which we are engaged, and the future happiness of America, not to claim our particular regard; the wisdom of the plan and gallantry of the execution are above our praise. The blessings and thanks of a free and grateful people, together with the smiles of approving heaven, can alone reward your Excellency,

cellency, the officers and troops of our illustrious ally, and our brave countrymen, to whom under Providence we owe this happy event.

We esteem the city greatly favoured by your Excellency's temporary residence; it will be the pleasing employment of the citizens, we trust, to render it agreeable. Our affectionate wishes will follow you to the field and through every part of your future life, that it may be crowned with glory and happiness both public and private.

Signed in behalf of the magistrates:

PLUN. FLEESON, President.

To the Worshipful the Magistrates of the city of Philadelphia.

GENTLEMEN,

I return you my thanks for this very polite and affectionate address.

As I have ever considered a due support of civil authority essential to the preservation of that liberty, for which we are contending, I have from duty as well as from inclination endeavoured, as far as possible, to avoid the least violation of it; and I am happy to find that my conduct has met the approbation of those who are appointed guardians of the rights of a free people.

I feel myself highly obliged by your assurance, that it will be the pleasing employment of the citizens to render my residence among them agreeable. It shall be my study to merit so kind a mark of their attention, and to approve myself,

Gentlemen,

your most obedient,

and most humble servant,

Geo. WASHINGTON.

STATE OF PENNSYLVANIA.

IN GENERAL ASSEMBLY.

Thursday, Dec. 27, 1781, A. M.

The bill for raising supplies for the year 1782, was taken up and debated by paragraphs, and the same being finished, was ordered to be tran-

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scribed for a third reading, and in the mean time printed for public consideration.

Extract from the minutes.

PETER Z. LLOYD, Clerk of the General Assembly.

An Act to raise Effective Supplies for the Year 1782.

SECT. 1. Whereas the United States of America, in Congress assembled, have, by their resolution of the 30th of October, demanded of the several States in union such effective supplies, as may enable them to carry on the war with vigour and effect, and improve our late successes into a full establishment of independence and peace: And whereas it is the desire of the representatives of the freemen of this State to comply with the said resolutions,

SECT. 2. *Therefore be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same,* That the sum of £. 420,297 15 0 be raised, levied, collected and paid within the year 1782 (over and above all arrearages of taxes already due) in four equal payments; the first payment to be made the first day of April, 1782, and the second at the expiration of three months thereafter, and so on at the end of every three months thereafter, until the whole sum is paid. And the same shall be levied, assessed and raised in the city of Philadelphia, and the several counties of this State, according to the method and proportions following: that is to say,

For the city and county of Philadelphia.

For the county of Bucks.

For the county of Chester.

For the county of Lancaster.

For the county of York,

For the county of Berks.

For the county of Cumberland.

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For the county of Northampton.

For the county of Bedford.

For the county of Northumberland

For the county of Westmoreland.

And for the county of Washington.

Sect. 3. *And be it further enacted, by the authority aforesaid,* That the commissioners of the city and county of Philadelphia, and of every county of this State, or any two of them, shall meet together on or before the

at their usual place of meeting in the city and in their several counties, and shall then and there issue their warrants, under their hands and seals, to the township, ward or district assessors of each township, ward or district, within their respective counties, requiring them, the said assessors, to notify their several townships, wards or districts, by public advertisement, to meet and choose two freeholders of their proper district, to assist the said assessors in laying and assessing the taxes required within the succeeding year; and also to demand of all and every taxable inhabitant, residing within their respective townships, wards or districts, a full and true account of all their estate, real and personal, within this State, made taxable by this act, and in what county situated. Of which the said assessors shall make fair and true returns in writing to the said Commissioners, on a certain day to be by them appointed; and of the names and surnames of the said two assisting freeholders so chosen by each township, ward or district; and of all and every the taxable inhabitants and single freemen within their respective townships, wards or districts, together with their trades, professions or occupations, and offices and posts of profit. And if any person or persons shall neglect or refuse to give a return of their taxable property when required as aforesaid, every such person or persons so neglecting or refusing shall, for every such offence, forfeit and pay a sum

equal to the tax at which such person or persons shall be rated by this act, to be levied and collected by the collector of the proper township, by virtue of a special warrant, which the commissioners, or any two of them, are hereby authorized and required to grant, and the same shall be paid into the treasury of this Commonwealth.

Sect. 4. And in order that the taxes hereby directed to be imposed may be truly laid and levied, and for the better detecting of frauds and concealments of taxable property, *Be it enacted, by the authority aforesaid,* That it shall and may be lawful for the said assessors and commissioners, or any of them, or any other person authorized by the Board of Commissioners, and they are hereby enjoined and required to use their best endeavours, to inform themselves of all taxable property concealed or refused to be returned; and for that purpose they may search all public records within their respective counties, or in the city of Philadelphia, as the case may require; and all officers having care or charge of such records, are hereby enjoined and required to be aiding and assisting in such searches, and to grant to such assessors or commissioners, or any other person authorized by the Board of Commissioners, free access, at all proper times, to the said public records, for the above purpose, without fee or reward.

Sect. 5. *And be it further enacted, by the authority aforesaid,* That if any person shall neglect or refuse to make return of all and every tract or parcel of land he or she shall possess within this State, to the assessor of the place where such person shall dwell or reside, all such lands so omitted shall be liable and subject to be charged with all such taxes the next or any subsequent assessment, which the same lands ought to have been charged with, had they been duly assessed as
by

by this act is directed. And if any such tract or parcel of land so returned shall be situate out of the city or county where such person and assessor shall dwell, then the Commissioners of the city or such county, or some one of them, shall, as soon as conveniently may be, transmit a copy of such return to the Commissioners of the county where the land shall lie.

Sect. 6. And be it further enacted, by the authority aforesaid, That if any person shall wilfully conceal, in the returns which he shall make to the township or ward assessor, any part of his or her taxable property, with intent to screen the same from taxation, the person so concealing shall pay four-fold taxes on all property so concealed; and the money arising thereupon over and above the taxes which such property ought to have yielded, shall be paid to the supervisors of the highways of such township or ward, for and towards repairing the public roads and highways within the same; and that any of the inhabitants of such township, ward or district, who shall be a competent witness in other cases, shall be a sufficient witness to prove such concealment.

Sect. 7. And be it further enacted, by the authority aforesaid, That when the Commissioners of any county shall receive the return of the assessors, as before directed, they shall forthwith proceed to quota the several townships, wards and districts in the city of Philadelphia, and the several counties of this state, in proportion to the quantity and quality of the property returned as aforesaid.

Sect. 8. And be it further enacted, by the authority aforesaid, That the Commissioners of the several counties within this state shall, within six days after quotaing the townships, wards or districts as aforesaid, furnish the assessor of each township, ward or district, with a true and fair trans-

cript of the quota or sum of money charged upon and demanded from such township, ward or district, to which such assessor doth belong. And they, the said Commissioners, or any two of them, are hereby enjoined and required to appoint one or more assessors and assistant freeholders, as the case may require, in case of removal by death, disability, refusal or neglect to serve, of the present assessors, or where the townships neglect to elect such assessor or assistant freeholders.

Sect. 9. And be it further enacted, by the authority aforesaid, That the assessors of each township, ward or district within this state, with the assistance of the said two assistants of the proper township, ward or district, shall, within three days after the said assessor shall become possessed of the quota or sum of money so assessed, levy and assess the same equally and impartially on all and every person, and on all the estates, real and personal, within their respective townships, wards and districts, made taxable by this act.

Sect. 10. And be it enacted by the authority aforesaid, That the following enumerated articles shall be and are hereby made taxable, and no other, viz. The time of servitude of all bound servants above the age of fourteen years; all Negroe and Mulattoe slaves above the age of twelve years; all horses, mares and horned cattle above three years old; sheep; plate; pleasurable carriages; all lands held by deed, warrant, location or improvement; houses and lots of ground and ground-rents; all grist-mills, saw-mills, fulling-mills, flitting-mills, hemp-mills, oil-mills, snuff-mills and paper-mills; all forges, furnaces, bloomeries, distilleries, sugar-houses, malt-houses, breweries, tan-yards and ferries; wares and merchandize; and all offices and posts of profit; and all professions, trades and occupations.

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Sect.

Sect. 11. *And be it further enacted, by the authority aforesaid,* That all and every the enumerated articles aforesaid shall be valued at and for so much, *bona fide*, as they are worth or would sell for, and such a rate or rates shall be assessed and levied thereon, as will amount to the sum of money quotaed upon the city of Philadelphia and the several counties of this state.

Sect. 12. *And be it further enacted, by the authority aforesaid,* That the sums of money raised by virtue of this act in the city and county of Philadelphia, and the several counties of this state, shall not be deemed or held as the exact proportion of the said city and counties, but the same shall hereafter be correctly and finally adjusted and ascertained by the legislature of this state, according to the returns of property to be laid, by virtue of this act, before the General Assembly.

Sect. 13. *And be it further enacted, by the authority aforesaid,* That each single freeman, who at the time of assessing any tax imposed by this act is or shall be of the age of twenty-one years or upwards, and has been out of his apprenticeship six months, shall pay a sum not exceeding

nor under

And that all offices and posts of profit, trades, occupations and professions, that of ministers of the gospel of all denominations and schoolmasters only excepted, shall be rated at the discretion of the township, ward or district assessors, and two assistant freeholders of the proper township, ward or district, having due regard to the profits arising from them.

Sect. 14. *And be it further enacted, by the authority aforesaid,* That it shall be lawful for the township assessor, when taking the said return, to demand security of any single free man or sojourner within his township, ward or district, for the amount of the largest tax of freemen or sojour-

ners in this act mentioned, and upon his or their refusing to enter sufficient security, or paying the said tax, the said assessor is hereby authorised to take the body of the said freeman or sojourner before the nearest Justice, who is hereby authorised to commit him or them to the common goal of the county, there to remain for the space of months, or until he enters such security, or pays the tax.

Sect. 15. And for the better discovery of personal property intended by this act to be charged, *Be it enacted by the authority aforesaid,* That every householder in this state shall upon demand of any assessor of his or her township, ward or district, give an account of the names and occupations of such persons as shall sojourn or lodge in their respective houses, under the penalty of Thirty Pounds, to be recovered and applied to and for the repairs of the roads of the said township or ward as aforesaid. And if any person that ought to be taxed by virtue of this act, for or in respect of any personal property, shall, by removing his or her effects from the county where they ought to have been assessed, or by any other fraud or covin escape, and not be taxed, and the same be proved before any one of the Commissioners, or any Justice of the Peace of the county where such person resides, at any time within six months, next ensuing after such tax be made, every such person shall be charged, upon proof as aforesaid, at the four-fold value of so much as he or she should, or ought to have been taxed by this act.

Sect. 16. And whereas divers owners of lands, whereon improvements have been made, and of tenements, may not reside in the county or district where such land or tenements are situated, whereby it may be difficult to collect the taxes assessed on such real estate; for remedy whereof,

whereof, *Be it enacted, and it is hereby enacted by the authority aforesaid,* That the tenant or tenants, or other person residing on or occupying such real estate, his, her or their goods and chattels, as well as the lands, goods and chattels of the owner or owners thereof, shall be liable to be distrained to satisfy the said taxes, or any of them: and in case the tenant or tenants, or other person or persons residing on or occupying such real estate, shall pay any tax laid thereon by virtue of this act, or shall be distrained to satisfy such tax, such tenant or tenants may retain the same out of the rent by him, her, or them payable for such estate, or the said tenant or tenants, or other occupier or occupiers of such estate shall recover the same, with costs of suit and damages, of the owner of such estate by action of debt; if under *Five Pounds* in a summary way, as small debts are recoverable; but if the same is above *Five Pounds*, in any court of Common Pleas.

SECT. 17. *Provided always,* That nothing in the foregoing section shall in any manner alter any contract made between any landlord and tenant, concerning the payment of taxes.

SECT. 18. *And be it further enacted, by the authority aforesaid,* That each county Commissioner, and each township, ward and district assessor and assistant, shall respectively, before they enter on any of the duties required of them by this act, before some one Justice of the peace for the proper county, make oath or affirmation as is herein after directed; to-wit, if a county Commissioner, "*I, A. B. do swear or affirm, that I will well and truly cause the rates and sums of money by this act imposed, to be duly and equally assessed and laid, according to the rules and directions mentioned in this act, to the best of my skill and knowledge, so far as relates to the duty of a Commissioner, and herein I will*

spare no person for favour or affection, or grieve any for hatred or ill-will." If a township, ward or district assessor, or assistant, the following oath or affirmation; to wit: "*I, A. B. do swear or affirm, that I will faithfully and impartially assess the quota of the township, ward or district of impose by virtue of this act, entitled An Act to raise Effective Supplies for the year 1782, on the several persons and taxable property therein contained, to the best of my skill and understanding; and that in performing the duties required of me by that act, I will spare no person for favour or affection, or grieve any for hatred or ill-will.*"

SECT. 19. *And be it further enacted, by the authority aforesaid,* That the county Commissioner shall appoint some fit person for or in every township, ward or district, to be collector of the taxes to be raised by virtue of this act, and shall cause fair duplicates of the assessment of each township, ward or district, to be made, one part whereof shall be kept by the said Commissioners of the proper county, and the other part shall be transmitted to the Collector of each district, with a warrant under the hands and seals of two of the said Commissioners, authorising and requiring the said Collector, after the day of appeal shall be passed ten days, to levy the sums rated on all persons who shall not upon demand, after the said appeal, forthwith satisfy the same, and to acquaint them of the day of appeal, which shall be appointed by the Commissioners within

after the said assessments are made, but where any of the Collectors cannot meet with the party of whom demand is to be made as aforesaid, he or they shall leave notice in writing with some of the family, at the place of the party's last abode, of such demand, signifying also the day of appeal; at which day every of the collectors shall return their several duplicates.

SECT. 20,

Sect. 20. *And be it further enacted, by the authority aforesaid,* That if any assessor legally chosen, or any person appointed by the said Commissioners to be assessor, or an assistant or collector, shall not, within two days after notice in writing of such election or appointment, make known his intention to the Commissioners of the county, to serve or decline the office to which such person hath been or shall be chosen or appointed, the said commissioners, or any two of them, may consider such persons as having refused to serve in such office, and may proceed to fine such person, and appoint another in his stead, as if such person had actually refused to serve in such office.

Sect. 21. *And be it further enacted, by the authority aforesaid,* That the fine on any person refusing to serve as assessor or assistant shall be any sum not exceeding pounds; and the fine on any person refusing to serve as collector of any district, shall be any sum not exceeding pounds. And in case any assessor, or assistant, or collector, after taking upon him his office, shall neglect to perform his duty therein, any such delinquent shall be fined in any sum not exceeding pounds; and if any person chosen to be an assessor, or an assistant or collector, or if any other person shall detain any warrant, duplicate or other writing, necessary to the assessing or levying the said tax, beyond the time when such person shall have declined, or be deemed to have declined any such office, or after demand thereof made by any of the said Commissioners, or by any person authorized by them to demand the same, every such delinquent shall be fined, for such offence, in any sum not exceeding pounds, nor under pounds. The said fines to be ascertained and set by the commissioners of the county, and levied as other

fines are or ought to be levied by virtue of the said act.

Sect. 22. *And be it further enacted, by the authority aforesaid,* That if any person or person find him or themselves aggrieved with any of the said assessments, he or they may appeal to the Commissioners of the proper county.

Sect. 23. *And be it further enacted, by the authority aforesaid,* That the said Commissioners are hereby required to meet on the said day of appeal, where the said assessors shall attend; whereupon the said commissioners shall take due notice thereof, and strictly examine the persons appealing upon their oaths or affirmation, or otherwise, concerning the cause of their appeal; and upon such examination, or proof of others, they are hereby empowered to diminish or add to the persons rate or assessment, as to them shall seem just and reasonable, with power to call before them such persons, and take notice of such estates as they find are omitted in the said assessment, in order to rectify it; and if the persons so omitted refuse or neglect to appear and give an account of their taxable estate, they shall pay double the sum they should or ought to have been rated at by this act. And the said Commissioners shall cause their clerks to draw fair duplicates of the assessments of the said respective districts, so rectified as aforesaid, and deliver them to the collectors of the several townships, wards or districts where they belong, within ten days after the appeal.

Sect. 24. *And be it further enacted, by the authority aforesaid,* That if any person or persons, so rated, or assessed by virtue of this act, shall refuse or neglect to pay the sum or sums so assessed by the space of after demand made as aforesaid, it shall be lawful for the said collectors respectively, by virtue of the aforesaid

said warrant, to call to their assistance, if occasion be, any constable or other person, and in case of resistance to break open, in the day-time, any house, trunk, box, chest, closet, cupboard or other things, where any such offenders goods and chattels, or effects are supposed to be, and make distress and sale thereof, rendering the overplus, if any be, to the owner, after reasonable charges deducted; but if no distress can be found by the collector, and the party refuses or neglects to shew them goods or chattels of his own forthwith to satisfy the money then due, with reasonable charges, then the collector shall take the body of every such person, and bring him to the county goal, who shall detain him in close custody, without bail or main-prize, until payment be made.

Sect. 25. *Provided always*, That when effects cannot be found sufficient to answer the whole sum in arrears, with charges as aforesaid, then distress shall be made for so much as the effects extend to, and the party imprisoned only for the residue thereof, with incident charges of distress, assistance, and bringing to prison, shall be adjusted and settled by any two or more of the Commissioners, when such occasion shall happen.

Sect. 26. *And be it further enacted, by the authority aforesaid*, That the collector of every district, ward or township, shall pay unto the county Treasurer the whole of the tax charged in his duplicate, within after the day of appeal, unless he has been obliged to make distress for any part thereof, in which case, and no other, he shall, as to the tax assessed on the parties distrained on, have days more, after which the Commissioners of the county shall fine such deficient collector at the rate of in the pound, upon all sums charged in his duplicate, which such collector shall not have paid to the said Treasurer, for every ten

days he shall fail to make payment thereof as aforesaid; such fine to be recovered in manner aforesaid.

Sect. 27. Provided the said commissioners give the said Collector ten days notice of such complaint being lodged by the treasurer, that the said collector may have an opportunity of making it appear, that the said complaint is not well founded.

Sect. 28. And moreover, it shall be lawful for the said commissioners of the proper county, or any two of them, and they are hereby required to meet, and issue out their warrants, under their hands and seals, to the Sheriff or Coroner of the proper county, requiring him to take the body, and seize and secure the estate, real, and personal, belonging to such delinquent, or which shall come into the hands or possession of his heirs, executors, or administrators, whenever the same can be discovered or found in this State, and make return of his proceedings therein, at such time and place as the commissioners shall appoint.

Sect. 29. *And be it further enacted, by the authority aforesaid*, That the said Commissioners, who shall cause the said lands and estates to be seized and secured as aforesaid, shall be, and are hereby empowered to appoint a time for a general meeting of the commissioners of such county, and there to cause public notice to be given where such meeting shall be appointed, ten days at least before such general meeting; and the commissioners then present at such meeting, or the major part of them, in case the money detained by such delinquent be not then paid or satisfied, shall, and are hereby empowered and required to issue forth their warrants or precepts to the Sheriff or Coroner of the proper county, empowering and requiring him to sell and dispose of all such estates as shall be, for the cause aforesaid, seized and secured, or such part thereof as will be sufficient

cient to satisfy deficiencies aforesaid, and all charges, and to bring the money arising by such sale to the Commissioners who granted such warrants, in order to satisfy and pay in to the respective county treasurer, for the time being, the sum or sums that shall be so unpaid or detained in the hands of the said collectors or other persons, their heirs, executors or administrators respectively, with damages for what shall be so unpaid, returning the overplus, if any be, to the owner, after all necessary charges deducted; and when any sale of land, tenements or hereditaments shall be made by such Sheriff or Coroner respectively, pursuant to this act, the title and conveyance thereof shall be by deed, signed, sealed and delivered by the Sheriff or Coroner, to such person or persons as shall purchase the same, in fee simple or otherwise, which shall be most absolute and available in law against the said delinquents, and their heirs and assigns, and all claiming under them.

Sect. 30. *And be it further enacted by the authority aforesaid,* that if the owner or owners of land and other real property, by this act made subject to taxation, or some person or persons for him or them, do not appear, or shall neglect or refuse to pay the rates assessed thereon by the space of

after the days of the appeal, then, and in every such case, the said land or other real property, together with the rates assessed thereon, shall be advertised in the township or county in which such lands do lie, or in the place where such owner or owners do dwell; and the Commissioners of the respective counties shall, and they are hereby required to give public notice in some of the English and German papers, for at least three months, that the sale will be made of such part of the said lands as will be suf-

ficient to discharge the taxes due for the same, and all charges accruing by reason of the refusal or non-payment thereof. And if the owner or owners of such lands or other real estate, or some person or persons in their behalf, do not appear to discharge and pay the said taxes, with all the charges as aforesaid, then the said Commissioners of the respective counties are authorized and hereby empowered to sell the said lands or other real estates, or so much thereof as aforesaid, by public vendue, to such person or persons as will appear and give most for the same, returning the overplus, if any be, to the owner or owners of such lands, or their legal representatives as aforesaid, after all necessary charges deducted. And when any sale of such land or other real estate shall be as aforesaid made by the Sheriff or Coroner respectively, pursuant to this act, the title and conveyance thereof shall be by deed, signed, sealed, and delivered by the Sheriff or Coroner, to such person or persons as purchase the same, in fee simple or otherwise, which shall be most absolute and available in law against the said delinquents, and their heirs and assigns, and all claiming under them.

Sect. 31. *And be it further enacted, by the authority aforesaid,* That in case any Collector, Sheriff, or Coroner, after distress and sale by him or them made, shall have any overplus money remaining in his or any of their hands, such Collector, Sheriff, or Coroner, first tendering the same before one witness, the owner of the goods distrained and sold, shall, upon the refusal of such owner to receive such money, pay the same to the Treasurer of the county, who shall deduct therefrom one per cent. and give notice thereof, within twenty days to the Commissioners of all sums so paid; and the owner thereof shall have the remainder discounted out.

out of any future tax; and the receipt of the said Treasurer shall exonerate the Collector, Sheriff, or Coroner.

Sect. 32. *And be it further enacted by the authority aforesaid,* That the collectors shall make out fair and true accounts in writing, of every seizure by them made, with the charges to be settled by the commissioners, who shall make the collectors such reasonable allowance for their trouble, as to them shall seem right; and the said commissioners shall have full power and authority in all cases to call upon collectors, who have, or in future may have, any overplus money in their hands; and to proceed against them in such cases as the law directs, in case of delinquent collectors.

Sect. 33. *And be it further enacted, by the authority aforesaid,* That every County Treasurer of this State, shall pay over all sums of money by him received, by virtue of this act, to the Treasurer of this Commonwealth, within the time herein after limited; that is to say, the Treasurer of the county of Philadelphia, within three days after he shall receive the same; the Treasurer of the county of Bucks, within four days after he shall receive the same; the Treasurer of the county of Chester, within four days after he shall receive the same; the Treasurer of the county of Lancaster, within six days after he shall receive the same; the Treasurer of the county of York, within seven days after he shall receive the same; and the Treasurer of the county of Cumberland, shall be allowed eight days; and the Treasurer of the county of Berks, six days; and the Treasurer of the county of Northampton, seven days; and the Treasurer of the county of Bedford, twelve days; and the Treasurer of the counties of Westmoreland and Warrington, twenty days; and the Treasurer of the county of Northum-

berland, twelve days, for the like purpose.

Sect. 34. *And be it further enacted, by the authority aforesaid,* That the commissioners of the several counties of this State shall cause their clerks to make out a fair transcript of the assessment of every tax laid upon the county, by virtue of this act, and, having signed the same, shall cause such transcript to be delivered to the Treasurer of the Commonwealth, within after the days of the appeal.

Sect. 35. *And be it further enacted, by the authority aforesaid,* That the commissioners of the city and several counties shall each of them have and receive and each of the township, ward and district assessors shall have and receive per day, for each day they shall bona fide be employed in the performance of the duties required of them by this act; and that the collectors severally employed in and for the due execution of this act, shall be allowed in the pound, for every pound by them so collected, and no more.

Sect. 36. *And be it further enacted, by the authority aforesaid,* That all sums of money to be assessed and levied by this act, shall be paid and discharged in gold or silver money, at the rate of *Three Pounds* for one Half-Johannes of Portugal, weighing nine penny-weights, and *Seven Shillings and Six-pence* for one Spanish milled Dollar, weighing seventeen penny-weights and six grains, and so in proportion for all other gold or silver money, and in no other money whatsoever.

Sect. 37. And whereas it is absolutely necessary, that this act be put in force and executed with all convenient speed, *Therefore be it enacted, by the authority aforesaid,* That if any of the said commissioners shall refuse or neglect to perform his or their duty in the premises, he or they

so offending, shall be fined by the Supreme Executive Council of this State, in any sum not exceeding

Pounds for every offence, which by virtue of their warrant, directed to the Sheriff or Coroner of the county where such offender or his estate is at the time of issuing such warrant, shall be levied by the seizure of land, distress and sale of goods, or imprisonment of body, as the case shall require.

Sect. 38. *And be it further enacted, by the authority aforesaid,* That the County Treasurers respectively for their trouble, in receiving and paying all such monies as shall come into their hands respectively, by virtue of this act, shall be allowed for every *Hundred Pounds*; and the Treasurer of the State shall be allowed for his trouble, in receiving and paying all such monies as shall come into his hands by virtue of this act, the sum of for every *Hundred Pounds*, and no more.

Sect. 39. *And be it further enacted, by the authority aforesaid,* That the Commissioners of each respective county shall, at the next meeting of Assembly after the said taxes are settled and adjusted, cause to be laid before this House, true and fair duplicates of all the returns of property and rates laid in each respective county, township, ward or district, under the penalty of *Pounds*.

Sect. 40. *And be it further enacted, by the authority aforesaid,* That the said Commissioners be, and they are hereby empowered to employ suitable clerks, for transacting the business required of such clerks by this act, who are to be paid for their services, out of the taxes to be raised by virtue of this act.

The following Address was presented by the Vice-President and Officers of the Philosophical Society:

To his Excellency GEORGE WASHINGTON, Esq. General and Commander in Chief of the armies of the United States of America.

SIR,

"The American Philosophical Society, held at Philadelphia, for promoting useful knowledge," beg leave to welcome your Excellency's return from your late glorious expedition.

Sensible of the influence of civil liberty on the purposes of their institution, they have always conceived their interests, as a society, to be dependent on the great cause of their country; indebted to former successes of the American arms, under your Excellency's command for the revival of their labours, they have considered this, as one motive among many, of affection for your person; the additional security in the pursuits of science, derived from the late capture of a British army, forms a considerable part of their joy at that happy event, and will heighten the lustre of your Excellency's character, in the eyes of your country, of the world, and of posterity.

The society embrace this opportunity of joining in the general testimony of gratitude, for the services rendered in the late campaign, by the fleet and army of our great ally; it is with pleasure they reflect, that this tribute is due to a nation, who have long excelled in arts as well as in arms, and with whose literary characters it has been their ambition, from the time of their institution, to cultivate a correspondence.

We think ourselves peculiarly happy in this opportunity of assuring your Excellency, that we not only feel the warmest affection and respect for your private virtues and public services, but that we consider it as one of the chief honours of our society, that we have your Excellency's name in the list of our members.

By order,
THOMAS BOND, Vice-President.

To which his Excellency was pleased to return the following answer :

SIR,

Permit me, through you, to return my warmest thanks to the American Philosophical Society, for this very polite mark of their attention and esteem.

I have ever set the highest value upon the honour which was conferred on me, when admitted into a Society instituted for the noblest of all purposes, that of "promoting useful knowledge," and have long wished for an opportunity of rendering myself, in some degree, worthy of my election. Happy am I, therefore, in receiving this public assurance from my fellow members, that my services, upon a late important occasion, have contributed to give them "an additional security in their pursuits of science."

It is peculiarly pleasing to me to observe, how universally, how justly, and with how much gratitude we acknowledge the obligation we are under to the navy and army of our illustrious ally, for their noble and generous exertions. It will not fail to cement the growing union between the two nations, and will be a proof to the generals, to officers, and the men who have so bravely fought and bled in our cause, that we are not forgetful of their merits and services.

I have the honour to be, with the greatest respect and esteem, Sir, your obedient and very humble servant,

GEORGE WASHINGTON,

*To Doctor Thomas Bond, Vice
President of the Society, &c.*

*To his Excellency JOHN DICKINSON,
Esq. President, Captain-General,
and Commander in Chief in and
over the Delaware State.*

SIR,

The corporation and inhabitants of the borough of Wilmington, beg leave to express the joy on your Ex-

cellency's arrival in this borough, and their congratulations on your appointment to the government of this State.

Deeply impressed with a sense of the important service you rendered to your country at an early period of time, in kindling that spark of liberty, which has since blazed forth with such distinguished lustre in the great American Revolution; reflecting with grateful pleasure on the many advantages this State in particular hath hitherto derived from your prudence, wisdom and fortitude, and that steady and decided part which you have taken in the grand councils of these United States, we cannot but look on your election to the government as a happy preface of many important consequences to the State. Among the many happy effects of your appointment, this borough will not esteem it the least, if your Excellency should gratify the most ardent wishes of the inhabitant, in making your residence in it. The great acquisition to their little society, in the addition of a gentleman so famed for his social virtues, and every polite and endearing accomplishment, must render it the interest of every individual to promote a matter that must tend so much to their general advantage.

Permit us, therefore, to assure your Excellency, of the great pleasure it will afford the borough, to make your situation in it as agreeable as possible, and that they will not fail in every exertion, to make that life easy and happy, which is of so much consequence to the community.

Signed on behalf of the
corporation,

THOMAS KEAN, Burgess,

On behalf of the inhabitants,

GUNNING BEDFORD, sen.

Wilmington, Delaware State

December 23, 1781.

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To

To which Address his Excellency was pleased to return the following Answer :

GENTLEMEN,

I am perfectly sensible of the honour done me by the address of so respectable a body, the inhabitants and corporation of the borough of Wilmington; and I sincerely thank you for it.

It affords me great satisfaction to find, that my attempts to assert the liberties of my country, and to assist in promoting her interests, have obtained your approbation; and I hope the generous expressions of your regard may be useful, by evidencing that well-meant endeavours for advancing the common weal, are noticed and advantageously remembered.

If in the post to which I am now appointed, I shall be able to render any services to the state, the esteem of my worthy fellow citizens will be, in my opinion, an ample recompence for them; and your favourable sentiments of my conduct, will form a considerable part of that truly valuable reward.

I am exceedingly obliged to you, gentlemen, for the desire so kindly mentioned, of my residing among you, and for the politeness with which it is communicated. I most cheerfully and gratefully accept the invitation: and am persuaded I shall be very happy in becoming one of your society.

IN COUNCIL.

Philadelphia, Dec. 28, 1781.

Ordered,

That public notice be given, That the petitioners against the late election of a counsellor for the county of Philadelphia, will be heard by a committee of the council, at the State-House of Philadelphia, on Thursday the third day of January next, at ten o'clock in the forenoon; at which time and place the said

county, by their counsel, and the several persons charged in the specification of persons and facts alluded to in the said petition, will also be heard.

Extract from the minutes,

T. MATLACK, Secretary.

*Head Quarters, Continental Village,
Nov. 8, 1781*

SIR,

Since I had the honour of addressing your Excellency this morning, I have received the inclosed papers from Major-general Lord Stirling, by which Congress will perceive that the enemy have been compleatly disappointed in their designs on the northern frontiers of this state, and defeated with considerable loss.—The address, gallantry, and persevering activity exhibited by Colonel Willet on this occasion, do him the highest honour. The conduct of Major Rowley, and the brave militia under his command, at a critical moment, merits particular commendations.

I have the honour to be, with the highest respect, your Excellency's most obedient servant,

W. HEATH.

His Excellency the President of Congress.

Extract of a letter from Major-general Lord STIRLING, dated Saratoga, Nov. 6, 1781.

I have received a letter from Col. Willet, copy of which is inclosed. The returns he alludes to were never sent. The vigilant, prudent conduct of this officer through the whole affair was such as reflects the highest honour upon the military character; and the essential service he has done his country, will give him a pleasing remembrance in every honest breast. The number he has taken, killed and wounded, with the distressed situation in which he left them, will amount

amount to little short of a total defeat; eight days march will scarcely bring them to a country where they can be supplied with provisions.

(Copy.)

Fort Renfelaer, Nov. 2, 1781.

MY LORD,

Having just returned from pursuing the enemy, my first business is to acquaint your Lordship of the particular transactions that have taken place in this quarter from the time of their first appearance.

Eight o'clock, P. M. of the 24th ult. I received advice that a considerable body of the enemy were discovered in the upper part of the Mohawk district; every means was instantly taken to collect the force of the country, in order to oppose them without loss of time, so that by one o'clock, the following day, I was within two miles of Fort Hunter, with between four and five hundred levies and militia; there I learnt that the enemy, having burnt several houses and barns at Warrensbush, had crossed the river at a ford some distance below, and were marching to Johnstown. This obliged me to cross the river as soon as possible, and march by the shortest route to the place whither they were directing their course. When within two miles of Johnstown, I was informed they were already there, had halted, and were busy in killing cattle belonging to the inhabitants. Thus situated, I was determined to attack them as soon as possible; and ordering the left wing of the few troops I had, to perform a circuit through the woods, and fall upon their right flank, while the right wing advanced in front.

A few minutes brought us in view of them. The troops of this wing were pushed on to a field adjoining to the one possessed by the enemy, where they displayed to the right and advanced in a line towards them, who retired with precipitation to a neighbouring wood, closely pressed

by our advance, who began to skirmish with them, while the remainder of the wing was advancing briskly in two columns. In this pleasing situation, without any apparent cause, the whole of this wing turned about and fled, nor was it possible to rally them. A field piece, which was left on a height, at a small distance from the wood, to secure a retreat, was abandoned, and fell into the hands of the enemy. At this critical period, our left wing, commanded by Major Rowley, of the Massachusetts state, and composed of the militia of this county, except about sixty of the levies of the above state, made their appearance in the enemy's rear.

These soon regained every thing our right wing had lost, and more. Night came on, and the enemy retired into the wood, leaving a great number of their packs behind them. After marching six miles, they encamped on the top of a mountain. By information from prisoners who made their escape from them in the night, it appeared to be their intention to strike at the frontiers of Stone Arabia, in order to furnish themselves with provision. This induced me to march to that place the next morning, where we remained all that day and night, without hearing any thing further from them, than that they were pointing their route further into the wilderness. I was now sure they were unable to make any sudden stroke below the Little Falls, and in consequence, on the morning of the 27th, I removed to the German Flatts, in order to be between the enemy and their boats, which they had left at Oneida Creek. On my way I learnt, that the party which I had detached to destroy them had returned without doing their duty.— The 28th was passed in furnishing the choicest of the troops with five days provisions, and 60 Oneida Indians, who had this day joined me.

It

It now appeared clearly, that the enemy having given up the hope of returning to their boats, were directing their march to Buck's Island, or to Osswagawehu. The troops intended to pursue them, to the amount of 400, besides Indians, crossed the Mohawk at Fort Herkimer, and encamped in the woods. The day following we marched upwards of 20 miles north, into the woods, through a snow storm, and about 8 o'clock A. M. of the morning of the 30th, we fell in with the enemy, between the rear guard and a detachment of 40 men with some Indians. These, it was intended, should procure a fresh supply of provisions, and follow after their troops, who were to continue their route. Some of this party were taken, some killed, and the rest dispersed. Their main body set out on a trot in an Indian file, and were pursued as warmly and closely as possible, until quite night. Our pursuit they but once endeavoured to resist, which was at a very bad ford on Canada Creek, where they left Major Walter Butler and several more. (This is the same Butler who commanded the massacre at Cherry Valley in November, 1778.) We have lost but one man on the pursuit. Our Indians were very useful, and behaved with their usual alertness upon such occasions. Your Lordship knows they are the best cavalry for the service of the wilderness. Strange as it may appear, it is true, that notwithstanding the enemy had been four days in the wilderness, with only half a pound of horse flesh per man per day, yet in this famished situation they trotted 30 miles before they stopped. Many of them indeed fell a sacrifice to such treatment. Their packs and blankets were strewn through the woods. All the horses, except five which were sent a considerable distance forward in their van, with their wounded and a few prisoners, fell into our hands.

In this situation I left the unfortunate Major Ross; unfortunate I call him; for he was surely so in taking charge of so fine a detachment of men to execute so dirty and trifling a piece of business as he was sent on, at such immense hazard and exquisite toil. To fatigue the brave troops any longer appeared unnecessary. The enemy who continued their flight great part of the night had got greatly the start of us, and almost certain destruction appeared before them.—A seven days march, rivers passable but upon rafts, a barren wilderness, in an inclement season of the year, to be encountered with before they can obtain any provisions; besides, our situation, had we pursued them a day or two longer, might become little better than theirs: for our Indians, and many of the troops, in order to pursue them with greater vigour, had thrown aside their blankets and provisions, which were now 20 miles or more in the rear: in fine, we left them in a situation, perhaps, more suited to their demerit than a musket, a ball, a tomahawk, or captivity.

I shall not attempt to give your Lordship an account of the whole of the enemy's loss from the beginning to the end of the affair. The fields of Johnstown, the brooks and rivers, the hills and mountains, the deep and gloomy marshes through which they had to pass; these must tell—these only can tell; and, perhaps, at least the officer, whoever he is, that detached them on this paltry expedition. The desolate region they traversed in their flight, while we were pursuing them, lies upwards of thirty miles north of Fort Schuyler.

It would be wrong in me to close this letter, without assuring your Lordship, that the troops in general, who were with me on this service, supported the great fatigues they had to encounter, with a soldier-like fortitude. To Andrew Frink, Esq,
formerly

formerly a Captain in Colonel Van Schaick's regiment, but at present a Magistrate in this county, who performed the service of a Brigade-major, I am under great obligations, for his particular attention, great diligence, and manly deportment, through the whole of this expedition.

Inclosed is a particular return of the force of the enemy; returns of our killed and wounded, and such as shall be proper to transmit to your Lordships, shall be sent forward as soon as collected.

I remain, with sentiments of the greatest esteem and respect,
your Lordship's very humble servant,

MARINUS WILLET.

The Hon. Major-general Lord Stirling.

Force of the enemy; taken from WALTER BUTLER'S pocket-book.

Eighth regiment, 25; thirty-fourth ditto, 100; eighty-fourth ditto, Highlanders, 36; Sir John's, 120; Lake's Independent, 40; Butler's Rangers, 150; Yagers, 12; Indians, 130.—Total 607.

Published by order of Congress,
CHARLES THOMPSON, Sec.

Philadelphia, January 16.

An ORDINANCE, for amending the Ordinance, ascertaining what captures on Water shall be lawful.*

Whereas there has been great variance in the decisions of several Maritime Courts within the United States, concerning the pretensions of vessels claiming a share of prizes, as being in sight at the time of capture; some having adjudged that the mere circumstance of being in sight was a sufficient foundation of a more active influence: And where-

as this inconvenience hath risen from the want of an uniform rule of determination in such cases:

Be it therefore ordained, by the United States in Congress assembled, that no share of any prize shall be adjudged to a vessel being in sight at the time of capture, unless the said vessel shall have been able at the time when the captured vessel struck, to throw a shot as far as the space between herself and the captured vessel; and that every vessel coming in aid of the captors, which shall have been able at the time when the captured vessel struck, to throw a shot as aforesaid, and shall have been duly authorized to make captures, shall be intitled to share according to the number of her men, and the weight of her metal; provided that nothing herein contained shall be construed to affect any agreement, which shall have been previously made between vessels cruising in concert.

And be it further ordained by the authority aforesaid, that whenever an armed vessel belonging to, and commissioned by the enemy, shall be captured by any armed vessel belonging to the United States, and duly authorized to make captures, the net proceeds of the sales of the captured vessel, and of her rigging, tackle, apparel and furniture, shall be adjudged to the captors, and where a cargo shall be on board of such captured vessel, one moiety of the net proceeds of such cargo shall be adjudged to the United States, and the other moiety to the captors.

And be it further ordained by the authority aforesaid, that upon the capture of any vessel belonging to the enemy, and laden with masts or spars, by an armed vessel belonging to the United States, and duly authorized to make captures, the net proceeds of the sales of such captured vessel

* For the Ordinance, see Remembrancer, Vol. XIII. Page 163.

vessel and her cargo shall be adjudged to the captors.

This ordinance shall take effect, and be in force from and after the last day of February next.

Done by the United States in Congress assembled, the eighth day of January, in the year of our Lord one thousand seven hundred and eighty-two, and in the sixth year of our independence.

JOHN HANSON, President.

Attest. CHARLES THOMSON, Sec.

Head Quarters, Philadelphia, Thursday, Jan. 10, 1781.

O R D E R S.

As it is expected, that in the course of the present winter, many of the officers and men belonging to the army of the United States, will be indulged with leave of absence from their corps for a limited time; and as it is absolutely necessary the strictest punctuality should be observed, in returning at the expiration of the time for which their furloughs are granted; the Commander in Chief has thought proper, thus, early in the season, to signify his fixed determination to all concerned, that every officer or soldier, who shall absent himself beyond the limitation of his furlough, (unless he shall be prevented from returning by some inevitable misfortune, or other casualty, which shall be deemed a sufficient reason for his detention) shall for such conduct be brought to trial before a Court-Martial.

Upon the return of any officer, who may have violated this order, by absenting himself beyond the time of his furlough, report is immediately to be made thereof, to the Adjutant-general or Deputy Adjutant-general, who is to report to the same to the General or Commanding Officer, that the necessary steps may be taken, without delay. The mode of proceeding against absent officers,

as pointed out by a resolution of Congress, is to be invariably pursued. Soldiers are also to be tried and punished in the most summary manner, if they will be guilty of a crime so injurious to the public service, as well as to the interests and feelings of their brother soldiers, who may, in consequence of the long absence of such delinquents, be unavoidably debarred the gratification of visiting their friends before the opening of the campaign.

The General, however, cannot but hope, by taking the precaution of causing this public notice of his intention to be given to the army, the disagreeable consequences will be prevented, which might otherwise have taken place; for he is persuaded, whoever will give himself the trouble to reflect, will find, that as great indulgences as are consistent with the public good, and justice to individuals, are granted in the first instance. That, as a certain number of officers and men must be constantly kept in camp, every trespass upon those indulgences is an act of injustice to the individual who is detained in consequence of it; and probably in the issue to the public; that the most pointed exactness is indispensably requisite in all military affairs, events unknown, and frequently of the greatest magnitude depending upon it; and that those men who have attached themselves to the service of their country, should consider that the public has a constant claim upon their services, which can only be dispensed with under certain circumstances, and for definite periods, of which, those intrusted with the regulation of the army must be supposed to be the most competent judges.

No officer or soldier is to be permitted to be absent on furlough after the 16th day of April next, on any occasion whatever.

The musters of the army are with
all

all possible expedition to be completed to the 31st day of December last inclusive; after which period they are to be taken regularly at the end of every month, and the rolls transmitted to the Pay-office without delay, agreeable to a resolution of Congress, of September 25, 1780.

EDWARD HAND, Brigadier
and Adjutant-general.

*By the PRESIDENT of the DELA-
WARE STATE.*

A P R O C L A M A T I O N.

As it is undoubtedly pleasing in the sight of Almighty God, that his rational creatures should yield a cheerful submission to his holy laws; and it is their highest honour and true happiness to live in conformity thereto: And as in his providential rule of the world, he hath vouchsafed in gracious condescension to the infirmities of mankind, to enforce the dictates of reason by instructive examples and express declarations of his divine will, awfully holding forth the threats and punishments of irresistible power against offenders, and mercifully promising the inestimable blessings of his favour to the obedient, therefore, it appears to me my first and indispensable duty, to call the attention of the people of this state to a serious and due consideration of these important truths; most heartily desiring, that, with a lively gratitude for the many and signal mercies generally and particularly bestowed on us, a deep sense of our unworthiness, an humble acknowledgment of our transgressions, a sincere repentance for them, and a determined resolution of amendment, it may be our principal and constant care to "render unto God the things that are God's;" and that we may earnestly endeavour to discourage and suppress all vice, profaneness and immorality, so highly displeasing to

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the Deity, reproachful to government, injurious to society, corrupting to many otherwise virtuously inclined, and so justly tending to draw down the vengeance of Heaven: And to the intent, that religion and good manners may flourish and increase, I have thought fit to issue this Proclamation, exhorting all persons decently and reverently to attend the worship of God on every Lord's day, as a service acceptable to him, and the means of improvement to themselves; and expecting, and hereby requiring, that all well-disposed persons, and especially all persons in place of authority, will by their own exemplary conduct encourage and promote piety and virtue, guide the young, the weak, and the unexperienced into laudable courses, and confirm them therein, and to their utmost contribute to the discountenancing those of dissolute and debauched behaviour; that they being thereby brought to feel the shame and contempt into which they are fallen, may be prevailed on to reform their evil practices, and others being deterred from imitating the same, and preserved from their pernicious influence, may at length be properly principled against them; and thus, the conversation and demeanour of good men may aid the laws, and supply what they cannot wholly effectuate—And for further promoting such reformation, it is hereby enjoined, that all magistrates and others, whom it may concern, be very vigilant and exact in discovering, prosecuting and punishing all persons, who shall be guilty of profanation of the Lord's day, blasphemy, profane swearing or cursing, drunkenness, lewdness, or other dissolute or immoral practice; that they suppress all public gaming houses and other disorderly houses; that they put in execution the act of Assembly, intitled, "An act against drunkenness, and to prevent the

Y y

grievous

grievous sins of profane cursing, swearing and blasphemy," and also another act, intitled, "An act to prevent the breach of the Lord's day, commonly called Sunday," and all other laws now in force for the punishing and suppressing any vice, profaneness, or immorality—And for the more effectual proceeding herein, all Judges and Justices having cognizance, are hereby directed to give strict charges at their respective courts and sessions, for the due prosecution and punishment of all who shall presume to offend in any of the kinds aforesaid, and also of all such, as contrary to their duty, shall be remiss or negligent in putting the laws in execution—And every minister of the gospel is hereby requested to read or cause to be read this Proclamation, in the place of worship where he officiates, as often as may be judged proper, and strongly to inculcate in their respective congregations, a love of piety and virtue, and an abhorrence of vice, profaneness, and immorality.

Given under my hand and the great seal of the State, at New-castle, this nineteenth day of November, in the year of our Lord one thousand seven hundred and eighty-one.

JOHN DICKINSON, President.
By his Excellency's command,

JAMES BOOTH, Secretary.

PAPERS *relative the STATE of* VERMONT.

Resolved, That it appears from sufficient evidence, that Congress did, by their act of the 24th of September, 1779, *INTER ALIA*, earnestly recommended to the States of New-Hampshire, Massachusetts bay, and New-York, to pass laws, expressly authorising Congress, to hear and determine all differences between them relative to their respective boundaries, in the mode prescribed by the articles of confederation, and also, by express laws for the purpose,

to refer to the decision of Congress all differences or disputes between them, relative to jurisdiction, which they might respectively have with the people of the district, called the New Hampshire Grants; and also, to authorise Congress to proceed, to hear and determine all disputes subsisting between the grantees of the said States, respecting titles to land lying within the said district; and also, that Congress did thereby pledge their faith, after a full and fair hearing of the said differences and disputes, to decide and determine the same according to equity, and carry into execution, and support their determinations and decisions in the premises.

Resolved, That it appears from the like evidence, that at the time of passing the said act, and for above a century and a half before, to wit, from the first settlement of the colony of New-York, now this state of New York, the said colony and this state included, by most indubitable right and title, both of jurisdiction and property, all the lands among others to the westward thereof, lying north of the north bounds of the Massachusetts bay, up to the latitude of 45 north, and extending between those boundaries, from Hudson's river to Connecticut river, including the waters of the northern lakes, and other waters within these boundaries; that the above extent of territory, which includes the district called New Hampshire Grants, was by a decree of the British King, to whom the sovereignty thereof as a parcel of the colony of New-York belonged, made in his Privy Council the 20th day of July, 1764, between the colonies of New-York and New-Hampshire, declared to be a parcel of the said colony of New-York; that in consequence thereof, the government of the colony of New-Hampshire expressly ceded, and relinquished all claim and title of

of jurisdiction to the above territory: That thereupon, the same were by acts of legislation of the colony of New-York, formed into counties; and such parts thereof as were settled, were represented in the legislature of that colony; that they were also represented in the Provincial Congress and Convention of this State of New-York, received aids from them, as parcel of this State, both before and after the Declaration of the Independence of these United States; assisted by their Representatives in forming the constitution of this State, and fully submitted to the jurisdiction thereof, till the year 1777.

Resolved, That it appears of record; that notwithstanding the above clear, and conclusive evidence of right on the part of this State of New-York, to the territory above-described, including, as aforesaid, the New-Hampshire grants, and though the legislature of this State might therefore consistently with the strictest justice, have asserted their dignity and sovereignty over the district of the New Hampshire grants, yet they, respectively adopting the settlements of Congress, that it was essential to the interest of the whole confederacy, carefully to avoid all intestine dissensions, and maintain domestic peace and good order, acquiesced in the submission recommended in the said act of Congress, and accordingly, on the 21st of October, 1779, passed a law of this State for that purpose.

Resolved, That it satisfactorily appears, that in consequence of the said law, the Agents thereby appointed to manage the controversy, on the part of this State, at a very great public expence, collected the necessary evidence to support the facts asserted in the second above mentioned resolution; and, that after many and repeated delays, they were at length, on the 19th day of Septem-

ber, 1780, in the presence of all the parties interested, (except the State of Massachusetts bay, who had not passed the necessary act of submission) indulged with a hearing before Congress, in the course of which, such evidence as above mentioned, was produced on the part of that State, as (in the opinion of the agents of this State) fully proved to Congress the several facts contained in the said second above mentioned resolution: and that on the 27th day of same month, all parties being present, except the State of Massachusetts bay, and Messrs. Allen and Bradley, agents for the people of New-Hampshire grants, claiming to be a separate independent jurisdiction, who, though duly notified, then declined any further attendance. The State of New-Hampshire, who had also submitted by their legislative act, had an hearing in Congress in support of their claim to the jurisdiction over the district called the New-Hampshire grants: That this state has, on their part, fully complied with every requisite contained in the said act of Congress, of the 24th of September, 1780; and has accordingly, from that day to this, abstained from the grant of any lands within the said district; and also from the exercise of jurisdiction over any of the inhabitants of the said district, who had not acknowledged the same: That on the contrary, the revolted inhabitants of the said district, having arbitrarily erected themselves into a separate and independent State, unrecognized as such until this day, by this State or the other United States, and having framed a government, they have passed laws, granted lands, and exercised civil and military authority over the persons and property of those inhabitants who profess themselves to be subjects of this State, in manifest subversion of the right of sovereignty and property of this

this State, and in direct contempt and infringement of several acts of Congress: That although they had contented themselves with the exercise of jurisdiction, principally up to a line running nearly parallel to Hudson's river, at twenty miles distance therefrom, until the month of June last; yet, that at that time, notwithstanding the censure and prohibition of Congress, and in contempt of their recommendations and authority, by an act of their usurped government, they extended a jurisdictional claim over all the land situate north of the north line of the State of Massachusetts, and extending the same to Hudson's river, then east of the centre of the deepest channel of said river to the head thereof; from thence east of a north line, being extended to latitude 45, and south of the same line, including all the lands and waters to the place where the said pretended State then assumed to exercise jurisdiction; inserting at the said time, in their said act, a clause not to exercise jurisdiction within their jurisdictional claim for the time being: That of all these matters, Congress have been fully apprised; and though repeatedly solicited thereto by the Delegates of this State, have not hitherto made any decision and determination of the said controversy, according to equity, as by their said act of the 24th of September, 1779, they pledged themselves, and by the law of this State, they were authorized to do. That to put an end to this delay, so injurious to the jurisdiction of this State, so subversive of its interest, peace, and polity; so promotive of a repetition of those violent acts of usurped civil and military authority, which in the judgment of Congress, declared in their resolution of the 2d of October, 1780, were highly unwarrantable, and subversive of the peace and welfare of the United States; and from

which they required the people, inhabiting the said Grants, to desist, until the decision and determination of Congress in the premises, they have actually presumed to exercise sovereign authority and jurisdiction, to the full extent of their said jurisdictional claim, by appointing civil and military officers, making levies of men and money, reserving delinquents from the hands of justice of this State, at the expence of the blood, and the loss of a life of one of the subjects of this State, in the execution of his lawful duty; and forbidding the officers of justice of this State, to execute their offices, as appears from the papers attendant on his Excellency the Governor's speech, and other due information: That among these, to shew the actual exercise of jurisdiction by the usurped government of the said Grants, by the stile and title of the State of Vermont, over the territory contained within the said jurisdictional claim, is the copy of a certain proclamation, bearing date 18th day of July, 1781, purporting to be under the seal of the said pretended State, signed by Thomas Chittenden, who styles himself their Governor: After divers falsities and absurdities therein contained, asserts, that commissions, both civil and military, had then been lately issued by the supreme authority of the said pretended State, to persons chosen agreeable to the laws and customs thereof, in the several districts and corporations, within the limits of the above-mentioned western or jurisdictional claim, strictly requires, charges and commands, all persons of whatsoever quality or denomination, residing within the said western claim of jurisdiction, to take due notice of the laws and orders of the said pretended State, and to govern themselves accordingly, on pain of incurring the penalties therein contained; and strictly requires, charges, and commands

mands all magistrates, justices of the peace, sheriffs, constables, and all other civil, and all military officers, to be active and vigilant, in executing the laws aforesaid, without partiality.

Resolved, That the legislature of this State is greatly alarmed at the evident intention of Congress; and from political expedience, as it is expressed in a letter from his Excellency the Governor of this State, of the 8th of August last; and as evinced in their acts of the 7th and 21st of the same month, inclosed therein, to establish an arbitrary boundary, whereby to exclude out of this State, the greatest part of the territory described in the second resolution above-mentioned, belonging most unquestionably to this State, as part, parcel, and members thereof; and to erect such dismemberment, possessed by the revolted subjects of this State, into an independent State, and as such, to admit them into the federal union of these United States, especially as the said two last mentioned acts seem to express the sense of Congress: That the territories of this State, by the articles of confederation, are, and as in fact and truth, they are by the second and third articles thereof, guaranteed, and still more especially as by a proviso in the 9th article, it is provided, that no State shall be deprived of territory for the benefit of the United States.

Resolved, That is the sense of the legislature, that Congress have not authority, by the articles of confederation, in any wise to intermeddle with the former territorial extent of jurisdiction or property of either of these United States, except in cases of disputes concerning the same, between two or more States in the union; nor to admit into the union even any British colony, except Canada, without the consent of nine States, nor any other State whatso-

ever; nor above all, to create a new State by dismembering one of the Thirteen United States, without their universal consent.

Resolved, That in case any attempt by Congress, to carry into execution their said acts of the 7th and 21st of August last; this legislature, with all the due deference to Congress, are bound in duty to their constituents, to declare the same an assumption of power in the face of the said act of submission of this State, and against the clear letter and spirit of the second, third, ninth, and eleventh of the confederation, and a manifest infraction of the same; and do, therefore, solemnly protest against the same.

Resolved, That a copy of these resolutions be forthwith made and certified by the President of the Senate, and Speaker of the Assembly, in presence of his Excellency the Governor, who is hereby requested to attest the same, with the great seal of this State, and transmit it, without delay to Congress, to the end that the same may be entertained on their journals, or filed in their archives, *in perpetuum, rei memoriam*; and that another copy, so certified as aforesaid, be delivered to the Delegates of this State, for their use, and guidance; and that they be, and hereby are expressly directed, and required to enter their dissent, on every step which may be taken in and towards carrying the said two last mentioned acts of Congress into execution.

Ordered, That Mr. Wisner carry a copy of the aforesaid resolutions to the honourable the House of Assembly, for concurrence.

Extract from the Journal,

ROBERT BENSON, Clerk.
IN ASSEMBLY, November 19, 1781.

Resolved, That this House do concur with the honourable Senate, in the preceding resolutions.

Ordered, That Mr. Van Zandt, and

and Mr. Rockwell, carry a copy of this resolution of concurrence to the honourable Senate.

Extract from the Journals,
JOHN M'KESSON, Clerk.

Poughkeepsie, March 21, 1781.

GENTLEMEN,

The very important and indispensable business arising from the papers which I have the honour to lay before you with this message, will, I flatter myself, evince the necessity of convening you on an earlier day, than to which you were adjourned.

The different acts, containing requisitions of aids in men and money; the address of Congress, and the letters from the commander in chief, and the superintendant of finance, which accompany them, as they merit, so I am persuaded they will engage your early and serious consideration.

I cannot forbear recommending to your particular attention, the affidavits and other papers, which prove a treasonable and dangerous intercourse and connection, between the leaders of the revolt in the north eastern part of the State, and the common enemy. In order that you may form a competent judgment of this matter, such of the original papers respecting it, as are in my possession, will be delivered you; your own prudence will however suggest, that these communications, as far as they relate to the names of persons, from whom the intelligence is derived, ought not to be divulged. I have only to observe, that these proofs are corroborated by a variety of circumstances, which equally tend to shew, that these criminal transactions, are not confined to individuals, but have been conducted under the sanction of that usurped government.

GEO. CLINTON.

Albany ss. John Edgar, late of Detroit, being duly sworn, deposeseth, and saith, that he commanded a vessel belonging to the King of Great Britain, on the Lakes Huron and Erie, from some time in the year 1772, to some time in the year 1775; that he then gave up the said command and went into trade; That on the 24th day of August, 1779, he was taken into custody at Detroit, by one Major Lernoult, of the 8th, or King's regiment, charging this deponent with corresponding with the Americans, and counselling the savages: That he was put in prison and in irons, and in two days sent off, in irons, to Niagara, where he continued in irons nine months, and in prison for eleven: That he was then sent to Bucks Island, where he continued in confinement for five months. That he was then removed to Montreal, where he was confined for six months; at the end of which time, after repeated applications, he was, by General M^{re}Lean, granted the liberty of the town: That on the 30th day of September last, he was sent for by one ———, who had before been taken by the British from the ———: That on his calling on the said ———, he told this deponent that he was privy to his design of making his escape, and that he was desirous of sending some important intelligence to ———; and on this deponent's engaging to deliver any message, the said ——— informed this deponent, that he had not been confined since he had been brought there: That he was one of the persons on the part of the State of Vermont (as he called it) who had been in treaty with the British, touching an agreement to deliver up that country into the hands of the British; that they had completed the agreement, and desired him to inform ——— of it, and desire him to get some one exchanged for him

him on his arrival, which he expected soon to do, on his parole, and then he would make known the whole affair. That the deponent understood that the two Fays, and Ira Allen, were, with others, agents for that tract of country, called by them the State of Vermont; and that one Sherwood, and one Dr. Smith, who formerly lived at Albany, were two of the agents on the part of the British; that the said agents sometimes met at Castletown, in the Grants, and sometimes at Canada: That this deponent has also understood, that part of the agreement between the British and the people calling themselves the people of the State of Vermont, they were to raise two thousand men for the British, who were to be officered by the people of the country, and were never to be drafted into any other regiments, and never to be employed out of the country, and these men were to be fed, clothed, paid, and otherwise supported by the British; and that Britain was to furnish and maintain a twenty gun ship, which was to be kept for them on the Lake: and this deponent further saith, that since his escape from Canada, at —, he saw the above named — at his own house there, who had been permitted to come on his parole, but was not then exchanged: That on this deponent's coming to — he went thence east to Newbury Port, to avoid coming down through the Grants, lest he should be taken up and sent back to Canada. And further this deponent saith not.

JOHN EDGAR.

Sworn this 19th day of
December, 1781, before

RICHARD MORRIS.

ROBERT YATES.

State of New-York, ss.

David Abeel, of Katt's Kill, in the county of Albany, yeoman, being duly sworn, deposeth and saith,

That sometime in the month of April last past, he was taken prisoner at his own house, by a party of Indians and Tories, and carried to Niagara, and from thence to Montreal.

That on his way to the latter place, at the Cedars, he saw one Johan Jost Herkemer, who informed this deponent, that the people on the New-Hampshire Grants, headed by Colonel Allen, would join the British with fifteen hundred men: That a Major Allen was then gone down to Quebec for that purpose: That at Montreal, it was, the general report, that the New-Hampshire Grants would join them: That this deponent saw at Isle L'Noix, a Major Fay, on board a vessel called the Royal George, and who, this deponent understood, was an inhabitant on the said Grants: That on board the said vessel, was one Dr. Smith, Captain Sherwood, and another person, whose name the deponent does not recollect, who were appointed Commissioners to treat with the said Major Fay: That the said Fay brought with him upwards of thirty Hessians, deserted from Burgoyne's army, for exchange, as this deponent was informed, and which he delivered to the British. And further this deponent saith not.

DAVID ABEEL.

Sworn this 20th day of

December, 1781, before

RICHARD MORRIS.

ROBERT YATES.

Extract of a letter from — dated January 5, 1782.

"A gentleman of intelligence, who left New-York on the 23d ult. and in whom I can place full confidence, gave me the following particulars, which I conceived your Excellency entitled to; and therefore do myself the honour to transmit them:

"That some time since, Commissioners from Vermont, had met with persons

persons appointed by *General Haldimand*, and offered to become subject to the crown and government of Great Britain, upon the following terms, viz.

“First, That the territory, as claimed by the Vermonters, be constituted a separate and distinct colony or government.

“Secondly, That the same form of government be granted unto them, which was formerly enjoyed by Connecticut; excepting that the Governor of the province should, from time to time, be nominated and appointed by the Crown.

“Thirdly, That they be allowed to remain neuter during the present contest, unless the war is carried within their own territory.

“Fourthly, That they would raise two battalions, properly officered, for their internal defence. These troops to be in British pay, &c. but not to be called into service, unless in defence of the province.

“That they be allowed a free trade to Canada, and be protected therein.

“These are all the particulars that could be obtained respecting the terms held out by the said Commissioners: The papers were delivered to General Haldimand, who conceiving the matter of too important a nature for him to decide upon, transmitted them to Sir Henry Clinton, as one of the King of Great Britain's *Commissioners for restoring*, &c. by whom they were laid before Justice William Smith, who gave it as his opinion, that the powers vested in the King's Commissioners did not authorize them to determine a matter of so much consequence, and of so singular a nature: That as nothing short of an act of parliament would be sufficient for the purpose, the papers relating to this matter should be laid before the King in Council, that the necessary steps may be taken, which has ac-

cordingly been done, and the result is expected.

“I am also informed that Mr. —, of the city of New-York, who claims land in Vermont, has it in contemplation to go thither by the way of Connecticut. What commission he may possibly be charged with, is not in my power to determine: This, however, is certain, that the enemy form great expectations from the apparent temper of Vermont.”

The foregoing are true copies of two affidavits, and an extract of a letter, delivered to the legislature of the State of New-York, with his Excellency the Governor's message, at their present meeting; except as to the names of certain persons and places mentioned in the originals, which it would be improper to divulge, and are therefore omitted in the copies.

Examined by

ROBERT BENSON, Sec.
Poughkeepsie, Feb. 2, 1782.

To his Excellency Governor Franklin,
President of the Honourable Board of Directors of associated loyalists. Head Quarters, New-York, March 6, 1782.

S I R,

I have the honour to inform your Excellency, that the Minister has signified to me the King's most gracious approbation of my intentions to give the loyal subjects on this continent, who have borne arms in support of the constitution, the strongest assurances that no post, place, or garrison, in which loyalists are joined with the King's troops, should be surrendered on any terms which might discriminate between them, and put one on a worse footing than the other; and that it is his royal pleasure that I do, in his Majesty's name, give the loyal refugees the fullest assurances of the continuance of his affection and regard for their happiness.

happiness; and that in all events they may rely upon the utmost attention being shewn to their safety and welfare. I feel therefore the most sincere satisfaction in taking the earliest opportunity of communicating to you (for the information of the associated loyalists, under the immediate direction of the Board over which you preside) these very gracious declarations of his Majesty; which you will likewise be pleased to render as public as possible, that every loyalist may receive the fullest assurances that the officers of his Majesty's troops will pay the same attention to the interests and security of all his Majesty's loyal subjects, of every denomination and country, in all cases whatever, which they do to those of the military under their orders, and that they will not in any event, or on any occasion, make the least distinction, or discrimination between them. I have the honour to be your Excellency's most obedient and most humble servant,

(Signed) H. CLINTON.

Copy of a Letter from the Right Hon. Lord GEORGE GERMAIN, one of his Majesty's principal Secretaries of State, to his Excellency JAMES ROBERTSON, Esq. Captain General, and Governor in Chief of his Majesty's province of New-York.

Whitehall, 2d January, 1782.

SIR,

I had great pleasure in laying before the King, your letter to me of the 8th of November, which I received by the mail of the last New-York packet, and the representation it contains of the spirit and liberality exerted by the King's faithful subjects within your government, in giving dispatch to the refitting and manning the fleet for Lord Cornwallis's relief; and their very dutiful and honourable declaration, that

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they will endeavour, by an increased ardour, to repair an unfortunate event, gave his Majesty great satisfaction; and you will take a proper opportunity of acquainting them, that their zeal and loyalty have met with the royal approbation. I am, Sir, your most obedient, humble servant,

GEO. GERMAIN.

Governor Robertson.

From the LONDON GAZETTE.

Whitehall, April 30, 1782.

The following are extracts of letters received at the office of the Earl of Shelburne, one of his Majesty's principal Secretaries of State, the 25th instant:

Extract of a letter from Major-General SHIRLEY, Captain-General and Commander in Chief of the Leeward Charibbee Islands, dated St. Christopher's, Feb. 15, 1782.

I am extremely mortified at being obliged to inform your Lordship, the islands of St. Christopher and Nevis, having been attacked by a powerful fleet and army, under the command of the Maquis de Bouille, were compelled to surrender to the French arms on the 12th of February instant, after a siege of about five weeks, upon the terms of a capitulation, which I have the honour to send inclosed to your Lordship.

[For the articles of capitulation see pages 270 and 272.]

Extract of a letter from Brigadier-General FRASER, dated St. Christopher's, February 24, 1782.

I am extremely sorry to inform you, that, with the opinion of the engineer, the commanding officer of the artillery, and the rest of the officers of the garrison, I was under the painful necessity to surrender the few remaining troops under my command at the post of Brimstone-hill, by capitulation, on the 12th instant,

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to the French troops commanded by the Marquis de Bouille.

On the 9th of January, 28 French ships of the line, with several frigates and transports, appeared off this island; on the 11th they stood in for the road of Bassaterre, and that evening landed 8000 troops, with a formidable train of artillery. Finding the enemy's force bore every appearance of being very superior to the few troops I had for the defence of this island, I judged it prudent to withdraw my out-posts; and being joined by General Shirley, with a detachment of the militia of the island, from Bassaterre, I took post on Brimstone-hill on the 11th.

On the 11th and 12th the enemy completely invested and blockaded the garrison; their right taking post in the town of Sandy Point, and their left at Godwin's Gut. They immediately advanced their picquets within 500 yards of Brimstone-hill, to cut off our communication with the country; and likewise detached corps to Bassaterre and the town of Old Road; in short (Brimstone-hill excepted) the enemy were in full possession of the island, and in such position to prevent us every means of succour, unless the British Squadron should be superior at sea.

In this situation I prepared to make the best defence possible. The ground we were on must be acknowledged to be very strong by nature, and against an immediate attack by assault, I am confident we should have proved invulnerable, but the fortifications were very old, and in a ruinous state, and by no means equal to stand the fire from such heavy batteries as opened during the siege.

In the night of the 16th of January, the enemy began to break ground at Summerfail's estate, distant 500 yards on the north-west side, and at Lawlin's estate on the old road side; and in the morning of the 19th they

opened a battery of six mortars from Rawlins's. From that day the fire from the enemy increased daily on us, new batteries frequently opening; and for the last three weeks they constantly, night and day, bombarding and cannonading the garrison, and with such effect, that early in the siege, every cover on the hill, the store containing all the rum, the arsenal, and the artillery stores, and part of the provision-stores, were consumed or torn to pieces by the fire from cannon. The latter part of the siege, almost all the guns were dismounted or disabled, and the works on the north-west side were an intire and perfect breach. I must add, the want of intrenching-tools was severely felt; there was not any provision of the kind made, which put it out of our power to make any repair or retrenchments within, which were so necessary against an assault, when such considerable breaches were made in the works; and when it was so well known by the enemy, that our decrease of troops in the garrison was very considerable, we had reason to look for every moment.

Under all these circumstances, after a siege of five weeks, thirty-four days, since the enemy's batteries began to open, most of which time we received fire from twenty-four mortars, and twenty-three pieces of heavy artillery, against a spot of ground where the greatest diameter is not more than two hundred yards, the whole of the garrison, from the great decrease by killed, wounded, sick and desertion, being obliged to be under arms every night, which harrassed and fatigued them so much, that I thought it would have been wanting in humanity, to have risked the lives of the small body of gallant soldiers, that had behaved with such fidelity and courage during the siege, to have subjected them to an assault, which, from the superior numbers of

of the enemy (the duty men in the garrison not exceeding five hundred men) could not fail to succeed.

Notwithstanding the event has proved unfortunate, I should be wanting in doing justice to the troops under my command, if I concluded without saying, that both officers and soldiers deserve the highest commendation: under a constant fire of hot shot and shells night and day (that I doubt has in any instance ever been exceeded) the officers shewed a constant and universal cheerfulness, and, by their example, the soldiers bore the greatest fatigue, with a firmness that deserves my warmest acknowledgments.

I transmit you returns of our killed and wounded, and have the pleasure to add, that during the siege, we lost but one man by desertion of the King's troops.

Captain Robertson, of the 15th, will have the honour to deliver you this dispatch. He acted as Deputy Quarter-master-general during the siege, and is well qualified to explain every particular relating to the siege.

Return of killed, wounded and missing of the troops under the command of Brigadier-general FRASER, from the 10th of January to the 12th of February, 1782.

Royal.—2 Lieutenants, 1 quarter-master, 3 serjeants, 2 drummers, 22 rank and file, killed; 2 captains, 2 surgeons, 6 serjeants, 4 drummers, 84 rank and file, wounded; 2 rank and file missing.

15th, Flank companies.—1 Lieutenant, 1 surgeon, 1 drummer, 4 rank and file, killed; 1 serjeant, 1 drummer, 15 rank and file, wounded; 6 rank and file missing.

Detachment of royal artillery.—1 Matros, killed; 1 bombadier, 1 gunner, 9 matrosses, wounded; 1 corporal, 1 bombadier, 3 matrosses, missing.

Total, 17.

THOMAS FRASER, Brig.-Gen.

Names and rank of officers killed and wounded.

Royal.—Lieutenants Wilson and Clark, quarter-master Shungar, killed; captains Wallace and Buckeridge, and surgeon Young, wounded.

15th, Flank companies.—Lieutenant Westera and surgeon Boyes, killed.

Admiralty-Office, April 30, 1782.
Extract of a letter from Vice-admiral MILBANKE, to Mr. STEPHENS, dated Plymouth, April 28, 1782.

I have the satisfaction to acquaint you, for their Lordships information, that his Majesty's ship *Latona* arrived here late last night, and Captain Conway brings the agreeable intelligence of his having, in company with the *Queen* last Monday, south of Scilly, fallen in with the French ship *l'Auctionnaire*, armed en flute, which struck to the latter. She has eleven chests of Dutch silver on board, and also lower masts for four seventy-fours, with sails and rigging complete, besides her own masts, which were intended for the *Hannibal*.

Captain Conway further informs me, that on Thursday last, about ten leagues south of Scilly, he fell in with and took a French lugger, named *Le Barnardine*, mounting fourteen guns, and also retook a Scotch lugger of ten guns, which she had captured.

Admiralty-Office, April 30, 1782.
Extract of a letter from Capt. COLLINS, of the Eolus, to Mr. STEPHENS, dated Passage of Waterford, April 20, 1782.

I beg you would be pleased to inform my Lords Commissioners of the Admiralty, that being off Cape Cornwall the 18th instant, on my passage to this place, in his Majesty's ship under my command, I took *l'Aglæe*, a French ship privateer, belonging to St. Maloe's, commanded by the *Sieur Dugue de Laurent*, of twenty guns, six and nine pounders, and

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one hundred and twenty-one men, after a chase of eight hours. This ship has been out six days, and had not taken any thing.

Admiralty-Office, April 30, 1782.

Extract of a letter from Vice-admiral DRAKE to Mr. STEPHENS, dated in the Downs, April 25, 1782.

I have the pleasure to inform your Lordships, that a large cutter privateer, mounting eighteen six pounders, and two twelve pounders, and one hundred and thirty-three men, named the Active Roebuck, and commanded by one Chitty, an Englishman, was sent into the Downs yesterday evening: she was taken to the eastward by the Crocodile, Scourge, and Helena.

Admiralty-Office, April 30, 1782.

Extract of a letter from Lieutenant DOVE to Mr. STEPHENS, dated on board the Dorothy and Ann Tender, Hull Road, April 27, 1782.

Be pleased to acquaint their Lordships, that I this morning boarded and took possession of the Endeavour, a Dutch privateer, in Hull Road, she being drove up the Humber by distress of weather; she mounts two three pounders, and six swivel guns, and fourteen men, left Flushing the 21st of this month, and has not taken any vessel.

From the LONDON GAZETTE.

Admiralty-office, May 4.

Extract of a letter from the Honourable Captain FREDERICK MAITLAND, of his Majesty's ship the Queen, to Mr. STEPHENS, dated off the Start, April 23.

I beg you will communicate to their Lordships, that, on Sunday morning the 21st inst. Commodore Elliot made our signal, about ten o'clock, to assist the Foudroyant and her prize, as it then blowed very hard. So soon as the weather permitted, I took every expeditious method to shift the prisoners, and to

resist her, and by nine o'clock next morning we had taken out about 300 prisoners, and sent an officer and 40 men, in addition to the officer and 50 men put on board by Captain Jervis; about which time we discovered a large ship to the southward, standing to the S. W. upon a wind. I could soon perceive she was not an English man of war, and the French officers assured me she was the Protecteur of 74 guns. I immediately ordered the Pegasus, together with one of the cutters that was in company, to make the best of their way for the first convenient port in England, and made sail towards the strange ship, which after a chase of fourteen hours we came up with in the night, and took, upon firing one broadside, (still supposing her to be the Protecteur) and he only fired his guns, and struck his colours. On sending a boat on board I found her to be the Auctionnaire, of 64 guns, armée en flute, commanded by Monf. de Querengal, Knight of the Order of St. Louis, with 250 seamen, and 550 soldiers on board, of which nine were killed and twenty-five wounded, bound from Brest to the Isle of France. We find she has a great quantity of naval and ordnance stores on board, besides provisions, wine, and rum, together with eleven chests of money. When we were in chase, the Latona frigate appeared to windward, and made the private signal, but being disabled in her masts, it was next morning before she joined us. I now had 1100 prisoners to manage, and therefore took the liberty to detain her twenty-four hours, to assist in shifting the prisoners, and to take on board 150 of them. Captain Conway then parted company.

In justice to my officers and ship's company, I cannot omit saying, that they discovered a very high degree of ardour and spirit in coming up with the enemy, and during the whole

whole of this affair, behaved in such a manner as merits my esteem and approbation.

The following is a list of the prizes, part of the French convoy, taken by Vice-admiral BARRINGTON's squadron, which have arrived at Portsmouth or Plymouth, since the four before-mentioned.

Le Chatnoir, a schooner, with provisions.

Le Grand Sarpedon.

Le Superbe.

L'Amphion.

La Novice.

La Villanova.

Le Marquis de Castries.

Also a ship, name unknown, arrived at Falmouth.

Admiralty-office, May 7, 1782.

Extract of a letter from Lord CHARLES FITZGERALD, Captain of his Majesty's ship La Prudente, to Mr. STEPHENS, dated Kinsale, April 27, 1782.

I parted company from the squadron under the command of Vice-admiral Barrington, on the 20th of this month, at night, in chase of the enemy's convoy, four of which I had the good fortune to capture; and being on my return to Spithead, on lat. 49, 17, I made sail after a cutter, which I came up with off Cape Clear, after thirty-six hours chase, the most of the time within gun-shot of her; she is called Le Marquis de Castries, French privateer, pierced for twenty-two guns, mounted eighteen six-pounders, with a complement of one hundred and five men, and had been out but two days from Morlaix.

Admiralty-office, May 7, 1782.

Extract of a letter from Captain O'HARA to Mr. STEPHENS, dated Waterford, April 28, 1782.

The Viper cutter, and Antigua brig arrived here last night, and brought in a French lugger privateer, and a sloop bound from London to

Cork, with merchant goods which she had taken.

From the LONDON GAZETTE.

Admiralty-Office, May 18.

Lord Cranston, one of the Captains of his Majesty's ship the Formidable, and Captain Byron, of the Andromache; in which his Lordship came a passenger, arrived early this morning with dispatches from Admiral Sir Geo. Brydges Rodney, Bart. Knight of the Bath, and Commander in Chief of his Majesty's ships at the Leeward Islands, to Mr. Stephens, of which the following are copies:

Formidable, at Sea, April 14, 1782.

SIR,

It has pleased God, out of his Divine Providence, to grant to his Majesty's arms a most complete victory over the fleet of his enemy, commanded by the Count de Grasse, who is himself captured with the Ville de Paris, and four other ships of his fleet, besides one sunk in the action.

This important victory was obtained on the 12th instant, after a battle which lasted with unremitting fury from seven in the morning till half past six in the evening, when the setting Sun put an end to the contest.

Both fleets have greatly suffered; but it is with the highest satisfaction I can assure their Lordships, that though the masts, sails, rigging and hulls of the British fleet are damaged, yet the loss of men has been but small, considering the length of the battle, and the close action they so long sustained, and in which both fleets looked upon the honour of their King and Country to be most essentially concerned.

The great supply of naval stores, lately arrived in the West-Indies, will, I flatter myself, soon repair all the damages his Majesty's fleet has sustained.

The gallant behaviour of the officers and men of the fleet I have the honour to command, has been such

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as must for ever endear them to all lovers of their King and Country.

The noble behaviour of my second in command, Sir Samuel Hood, who in both actions most conspicuously exerted himself, demands my warmest encomiums: my third in command, Rear-admiral Drake, who, with his division, led the battle on the 12th instant, deserves the highest praise; nor less can be given to Commodore Affleck, for his gallant behaviour in leading the center division.

My own Captain, Sir Charles Douglas, merits every thing I can possibly say: his unremitting diligence and activity, greatly eased me in the unavoidable fatigue of the day.

In short, I want words to express how sensible I am of the meritorious conduct of all the Captains, officers and men, who had a share in this glorious victory, obtained by their gallant exertions.

The enemy's whole army, consisting of five thousand five hundred men, were on board their ships of war: the destruction among them must be prodigious, as, for the great-

est part of the action, every gun told; and their Lordships may judge what havock must have been made, when the Formidable fired near eighty broadsides.

Inclosed I have the honour to send for their inspection, the British and French line of battle, with an account of the killed and wounded, and damages sustained by his Majesty's fleet.

Lord Cranston, who acted as one of the Captains of the Formidable during both actions, and to whose gallant behaviour I am much indebted, will have the honour of delivering these dispatches: to him I must refer their Lordships for every minute particular they may wish to know, he being perfectly master of the whole transaction.

That the British flag may for ever flourish in every quarter of the globe, is the most ardent wish of him who has the honour of being, with great regard, Sir,

Your most obedient
humble servant,
G. B. RODNEY.

Philip Stephens, Esq.

A List of the French Ships taken.

La Ville de Paris, one hundred and ten guns; had on board in the engagement one thousand three hundred men.

Ships		Guns	Men	Soldiers
Le Glorieux	—	74	750	150
Le César	—	74	750	150
Le Hector	—	74	750	150
L'Ardent	—	64	650	100

One sunk, name unknown.

L I N E O F B A T T L E.

The Royal Oak to lead on the Starboard Tack, and the Marlborough on the Larboard.

Rear-Admiral Sir SAMUEL HOOD's Division.

Rate Ships		Commanders		Guns	Men
3d Royal Oak	—	Captain	Burnett	74	600
— Alfred	—	—	Bayne	74	600
— Montagu	—	—	Bowen	74	600
— Yarmouth	—	—	Parry	64	500
— Valliant	—	—	Goodall	74	650
2d Barfleur	—	{ Sir S. Hood, Bart. }		90	767
		{ Capt. Knight }			
					3d Monarch

Rate	Ships	Commanders	Guns	Men
3d	Monarch	Captain Reynolds	74	600
—	Warrior	Sir James Wallace	74	600
—	Beltiqueux	Sutherland	64	500
—	Centaur	Inglefield	74	650
—	Magnificent	Linzee	74	600
—	Prince William	Wilkinson	64	500
† Lizard, † La Nymphe, Zebra, and Aleo frigates. Champion frigate to repeat signals.				

Sir GEORGE BRYDGES RODNEY, Commander in Chief.

Rate	Ships	Commanders	Guns	Men
3d	Bedford	{ Commodore Affleck }	74	617
—	Ajax	{ Captain Graves }	74	550
—	Repulse	Charrington	64	500
—	Canada	Dumaresq	74	600
—	St. Alban's	Hon. William Cornwallis	64	500
—	Namur	Inglis	90	750
—	Formidable	Fanshawe	90	750
—	Duke	{ Sir G. Rodney, Bart. }	90	750
3d	Agamemnon	{ Sir C. Douglas, Bart. 1st. Capt. }	64	500
—	Resolution	{ Captain Symons }	74	600
—	Prothee	Gardner	64	500
—	Hercules	Chaldwell	74	600
—	America	Rt. Hon. Ld Rob. Manners	64	500
†	Convert, Endymion, Alarm, Andromache, † Fortune, Alert, † Sybil, † Pegafus, † Salamander, frigates. Flora frigate to repeat signals.	Breckner	74	500
		Savage	64	500
		S. Thompson	64	500

Rear Admiral DRAKE'S Division.

Rate	Ships	Commanders	Guns	Men
3d	Ruffel	Captain Saumarez	74	600
—	† Prudent	Barklay	64	500
—	Fame	Barbor	74	550
—	Anson	Blair	64	500
—	Torbay	Gidoin	74	600
—	Prince George	Williams	90	750
—	Princessa	{ Fr. S. Drake, Esq. }	70	577
—	Conqueror	{ Captain Knatchbull }	74	600
—	Nonfuch	Balfour	64	500
—	Alcide	Trufcott	74	600
—	Arrogant	C. Thompson	74	600
—	Marlborough	Cornish	74	600
		Penny	74	600

† Germain, † Blast, Triton, and † Santa Monica frigates.

Eurydice frigate to repeat signals.

All accidental frigates to be opposite the Center Division.

N. B. Those mark'd † not with the fleet during the action.

A Lift

A List of the French fleet in Port Royal Bay, April 2, 1782.

	Guns		Guns
La Ville de Paris	110	Le Burgogne	74
L'Auguste	80	* Le Destian	74
Le Duc de Burgogne	80	S Le Dauphin Royal	74
Languedoc	80	S Le Magnifique	74
* Le St. Esprit	80	* Le Reflexe	64
S La Couronne	80	Le Bien Aime	74
Le Neptune	80	Le Sceptre	74
S* Le Triomphante	80	Le Northumberland	74
Le Zele	74	Le Conquerant	74
Le Glorieux	74	Le Marseillois	74
Le Citozen	74	Le Palmier	74
Le Souverain	74	L'Ardent	64
Le Magnanime	74	L'Eveille	64
Le César	74	Le Caton	64
Le Hector	74	Le Jafon	64
S* Le Brave	74	Le Fier, armée en flûte	54
Le Pluton	74	Le Minotaure, ditto	74
Le Hercule	74	Le Sagittaire	54
Le Scipion	74	L'Experiment	50

Total.—Thirty-six sail of the line, two fifty gun ships, thirteen frigates, seven armed brigs of the King's, two fire-ships, and one cutter.

* Out of repair. S* joined at St. Kitt's. S Arrived with the Brest convoy.

Return of the killed and wounded in the ships under the command of Sir GEO. BRYDGES RODNEY, K. B. &c. &c. on the 9th and 12th of April, 1782.

Royal Oak, Captain Burnett.—Mr. Gwatkin, First Lieutenant, killed; Captain of Marines, wounded; 7 seamen killed, 29 wounded.

Alfred, Capt. Bayne.—Capt. Bayne killed; 11 seamen killed, 40 wounded.

Montague, Captain Bowen.—Mr. William Cade, Master, killed; Lieutenants Brendon and Buchan, of Marines, wounded; 11 seamen killed, 29 wounded.

Yarmouth, Capt. Parrey.—14 seamen killed, 33 wounded.

Valliant, Captain Goodall.—Mr. Richard Wimbleton, Second Lieutenant, killed; Mr. Will. Brown, Fifth Lieutenant, and Mr. Backhouse, Master, wounded; 9 seamen killed, 26 wounded.

Barfleur, Sir Samuel Hood, Bart. Capt. Knight.—10 seamen killed, 37 wounded.

Monarch, Capt. Reynold.—16 seamen killed, 33 wounded.

Warrior, Capt. Sir James Wallace.—Mr. Stone, Master, wounded; 5 seamen killed, 20 wounded.

Belliqueux, Captain Sutherland.—4 seamen killed, 10 wounded.

Centaur, Capt. Inglefield.—No returns, having a prize in tow, not joined.

Magnificent, Capt. Linzee.—Capt. Bragg, of Marines, wounded; 6 seamen killed, 10 wounded.

Prince William, Capt. Wilkinson.—None killed or wounded.

Bedford, Commodore Affleck, Capt. Graves.—17 seamen wounded.

Ajax, Captain Charrington.—Mr. John Elliot, First Lieutenant, Mr. Thomas Rossiter, Pilot, wounded; 9 seamen killed, 38 wounded.

Repulse, Capt. Dumaresq.—Capt. of Marines, and Master, wounded; 3 seamen killed, 9 wounded.

Canada, Hon. Will. Cornwallis.—12 seamen killed, 23 wounded.

St. Albans, Capt. Inglis.—6 seamen wounded.

Namur,

Nathur, Capt. Fanshawe.—6 seamen killed, 25 wounded.
 Formidable, Sir Geo. Brydges Rodney, Bart. &c. Sir Charles Douglas, Bart. First Captain, Captain Symons, the Rt Hon. Lord Cranston.—Lieut. Hele killed; Capt. Bell and Lieut. Harris, of Marines, wounded; 14 seamen killed, 37 wounded.
 Duke, Capt. Gardner.—Lieutenant Cornish, Mr. Cooper, Master, Mr. Scott, Boatwain, wounded; 13 seamen killed, 57 wounded.
 Agamemnon, Captain Caldwell.—Lieutenants Inledon and Brice, wounded; the latter since dead; 14 seamen killed, 22 wounded.
 Resolution, Capt. the Right Hon. Lord Robert Manners.—The Rt. Hon. Lord Rob. Manners wounded; 4 seamen killed, 34 wounded.
 Prothee, Captain Buckner.—Mr. Thomas Love, Master, wounded; 5 seamen killed, 24 wounded.
 Hercules, Captain Savage.—Lieut. Hobart killed, Captain Savage wounded; 6 seamen killed, 18 wounded.
 America, Capt. S. Thompson.—Lieut. Collowhill killed, Lieut. Trelawney wounded.
 Russel, Capt. Saumarez.—10 seamen killed, 29 wounded.
 Fame, Captain Barber.—3 seamen killed, 12 wounded.
 Anson, Captain Blair.—Capt. Blair killed; 2 seamen killed, 13 wounded.
 Torbay, Capt. Gidoin.—Lieutenant Mounier, of Marines, killed; 9 seamen killed, 25 wounded.
 Prince George, Captain Williams.—9 seamen killed, 24 wounded.
 Princessa, Francis Samuel Drake, Esq. Captain Knatchbull.—Lieutenants Dundas and Mac Donall, and Lieut. Laban, of Marines, wounded; 3 seamen killed, 19 wounded.
 Conqueror, Capt. Balfour.—7 seamen killed, 23 wounded.

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Nonsuch, Captain Truscott.—3 seamen killed, 3 wounded.
 Alcide, Capt. C. Thompson.—No returns, having a prize in tow, and not joined.
 Arrogant, Captain Cornish.—None killed or wounded.
 Mariborough, Capt. Penny.—3 seamen killed, 16 wounded,
 Total 230 killed.—759 wounded.

Formidable, at Sea, April 14, 1782.

SIR,

I must desire you will please to acquaint their Lordships, that notwithstanding the disposition I had made of his Majesty's fleet under my command, which were stationed to windward of the French islands in a line stretching from the latitude of Desiada to the latitude of St. Vincent's, with a line of frigates to windward, which their Lordships may perceive, by the disposition of the fleet I have the honour to inclose, and which disposition was thought by every officer of the fleet to be such as to render it impossible for any convoy bound to the French islands to escape, yet, notwithstanding the vigilance of every captain and officer, the enemy found means to escape by making the island of Desiada, and creeping close under Gaddaloupe and Dominique, they arrived safe in the Bay of Fort Royal on the 20th and 21st of March.

Information having been given me of this unlucky event, I thought it my duty to return to the Bay of Gros Islet, St. Lucia, where I had ordered the storeships, victuallers, and trade bound to Jamaica, to rendezvous.

On my arrival in that Bay every dispatch possible was made in refitting the fleet, and taking in stores and provisions to five months of all species for the whole fleet. A watchful eye being kept the whole time on the French fleet on the Bay of Fort Royal, as I knew that Comte de Grasse would hasten the refitting his fleet, and take

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the first opportunity of proceeding to the place of his destination.

On the 5th of April I received intelligence that the enemy were embarking their troops on board the ships of war, and concluded they intended to sail in a very few days.

Captain Byron of the *Andromache*, an active, brisk and diligent officer, watched their motions with such attention, that on the 8th instant at day-light he made the signal of the enemy's coming out, and standing to the north-west; I instantly made the signal to weigh, and having looked into the Bays of Fort Royal and St. Pierre's, where no enemy's ships remained, I made the signal for a general chase, and before day-light came up with the enemy under Dominique, where both fleets were becalmed, and continued so for some time. The enemy first got the wind and stood in towards Gaudaloupe: my van division under that gallant officer Real-admiral Sir Samuel Hood received it next and stood after them. At nine the enemy began to cannonade my van, which was returned with the greatest briskness.

The baffling winds under Dominique did not permit part of the center division to get into action with the enemy's rear, till half past eleven, and then only the ship next to me in the line of battle.

Their Lordships may easily imagine the mortification it must have been to the sixteen gallant Officers commanding the ships of the rear, who could only be spectators of an action in which it was not in their power to join, being detained by the calms under Dominique.

The enemy's cannonade ceased upon my rear's approach, but not before they had done considerable damage to the ships of the van, and disabled the *Royal Oak* and *Montagu*, and his Majesty had lost a gallant officer, viz. Captain Bayne of

the *Alfred*, and a number of officers and seamen, as mentioned in the account transmitted to their Lordships; but such was the steady behaviour of Sir Samuel Hood and the ships in the van, that the enemy received more damage than they occasioned.

The night of the 9th instant the fleet lay to to repair their damages. The 10th they continued to turn to windward under an easy sail, the enemy's fleet continuing to do the same, and always had it in their power to come to action, which they most cautiously avoided, and rendered it impossible for me to force them in the situation they were in, between the Saints and the island of Dominique. On the 11th of April, the enemy having gained considerably to windward, and the wind blowing a fresh and steady gale, I made the signal for a general chase to windward, which continued the whole day. Toward sun-set, some of the headmost ships of the fleet had approached near to one of the enemy's ships that had received damage in the late action, and had certainly taken her, if Comte de Grasse had not bore down with his whole fleet for her protection, which brought him so near, that I flattered myself he would give me an opportunity of engaging him the next day. With that view I threw out the signal for the form of sailing, and stood with the whole fleet to the southward till two o'clock in the morning; then tacked, and had the happiness at day-light to find my most sanguine desire was near being accomplished, by my having it in my power to force the enemy to battle. Not one moment was lost in putting it into execution: the consequence has been such as I have had the honour to represent in my former letter of this day; and can say no more, than that too much praise cannot be given to the gallant officers and

and men of the fleet I had the honour to command.

I have the honour to be, with great regard,

SIR,

Your most obedient and most humble servant,

G. B. RODNEY.

N. B. Lord Cranston and Captain Byron relate, that the *Cæsar*, one of the captured ships, soon after she was taken possession of, took fire by accident and blew up, and a considerable number of the people on board her unfortunately perished; and that Lord Robert Manners died in his passage home in the *Andromache*.

From the SUPPLEMENT to the above GAZETTE.

Admiralty-Office, May 18, 1782.

Captain Ball, late of his Majesty's ship the *Superb*, arrived early on the 16th instant, with dispatches from Vice-admiral Sir Edward Hughes, Knight of the Bath, and Commander in Chief of his Majesty's ships in the East-Indies, to Mr. Stephens, of which the following is an extract:

Extract of a letter from Vice-admiral Sir EDWARD HUGHES, to Mr. STEPHENS, dated on board the Superb, in Trincomale Bay, on the 15th of January, 1782.

I had the honour to address you for their Lordships information by letter of the 18th of October last, in which I informed their Lordships, that Major-general Sir Hector Munro, Knt. of the Bath, was sent to take the command of the Companies troops in the Tanjore country, and to co-operate with his Majesty's squadron under my command, in the attack of Negapatam; that I was in hopes we should be able to reduce it, although the garrison was reinforced by a large detachment of Hyder Ally's troops, and the fortifications considerably strengthened by new works: That it was true the season for military operations on the coast was far advanced, and the shift of the Mon-

soon at hand; but, that for a place of so much consequence to the Company's and national interests as Negapatam truly was, something must be risked. Accordingly the Company's troops appeared at Nagore on the sea coast, on the 21st of October, and Major-general Sir Hector Munro immediately landed from the *Superb*, to take the command of them; the same day the whole corps of marines of the squadron, amounting to 443, officers included, landed and joined the Company's troops; and on the 22d a battalion of seamen from the squadron, consisting of 827, including officers, was also landed: The whole under the command of the Captains Thomas Mackenzie, of his Majesty's ship *Active*, Captain Alexander M'Coy, of the *Exeter*, and Captain Henry Reynolds, of the Combustion fireship, with orders to co-operate with Major-general Sir Hector Munro to the utmost, in all measures for the attack of the place: In the mean time the heavy cannon for the attack, consisting of four eighteen-pounders, and two twelve pounders, iron guns from the transports, with twelve eighteen-pounders from the ships of the squadron, two ten inch and six five and a half inch mortars with their carriages, a proportionable number of shot, shells, powder, and every essential store was landed through a great surf by the boats of the squadron, and on rafts or catamarans, made for that purpose, with incredible fatigue to the men, and equal spirit and alacrity, under the superintendance of Captain Ball of the *Superb*, who had great merit in this department of severe duty.

On the night of the 29th of October, the strong lines which the enemy had thrown up, flanked by redoubts, to cover and defend the approach to the town, were stormed and carried by our troops, in which the seamen and marines bore a principal part, and distinguished themselves for steady and determined bravery.

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On the 3d of November the General opened ground against the north face of the fort, and the approaches were carried on with great rapidity, in which the seamen and marines worked with readiness and effect. On the 5th I moved with a part of the Squadron near the fort on the flank of our lines, and on the 6th landed early in the morning, to concert with the General the best means of carrying on the siege with vigour, and returned on board the *Superb* the same evening.

On the 7th a battery of 10 eighteen-pounders, within 300 paces of the walls of the place, being ready to open, I thought it proper to send the following summons, jointly with the General, to the Governor:

Camp before Negapatam, November, 7, 1781.

SIR,

As we are perfectly informed of the weakness of the town and citadel of Negapatam, and the smallness of the garrison you have to defend it against the ships and troops of his Britannic Majesty, and the East-India Company, under our command; of whose great superiority in proportioned numbers and discipline you cannot be ignorant.

We are induced from motives of humanity, in order to avoid the effusion of blood, and of regard to you and the inhabitants of the place, to prevent, if in our power, the distresses and calamities that may befall you and them. to demand of you the immediate surrender of the place, on such terms as appear to us reasonable and consistent, and you and me agree upon. For this purpose we give two hours from the time this summons is delivered to you, to deliberate on an answer. If you agree to surrender on capitulation, commissioners are immediately to be sent on your part to the General in camp; but if you reject the offer now made you, the batteries will immediately open

against your walls, and you will yourself be the cause of more disadvantageous terms at a latter day. We have the honour to be, with great regard, &c. &c.

(Signed) EDWARD HUGHES.
HECTOR MUNRO.

*Reynier Van Vlisfengen, }
Governor of Negapatam. }*

And the Governor being indisposed, received from the second in command the following answer:

*To the Hon. Sir EDWARD HUGHES,
Knt. of the Bath, Vice-admiral of
the Blue, Commander of his Britannic
Majesty's Naval Forces, and the
Hon. Sir HECTOR MUNRO, Com-
mander of his Britannic Majesty's
Military Forces, &c. &c.*

SIRS,

I have had the honour just now to receive the letter you was pleased to write me, containing the summons to deliver over this place.

And as I am obliged by honour and oath to defend this place with all my power, I cannot enter into any agreement regarding the surrendering of the same, but shall, when you resolve to attack me, defend myself with forces that I have on hand.

I have the honour to be, Sirs, with great respect,

Your most humble obedient servant,
(by the indisposition of
of the governor)

(Signed) MOSSEL,
Negapatam, November, 7, 1782.

During the course of the siege the enemy made two desperate sallies with the greater part of the garrison, but were both times beat back into the town with much loss. In the afternoon of the 10th, the breaching battery being ready, four eighteen pounders were got into it, and opened on the face of the bastion intended to be breached with good effect; in the night four more eighteen pounders were got into the same battery, and all opened on the breach bastion at day-light, and soon after demanded a parley.

parley, and sent out two commissioners to the General in camp with terms of capitulation, which the General did me the honour to send off on board the Superb. In the mean time hostilities ceased on both sides, and early on the morning of the 12th I landed and went to camp, and, with the General, received the commissioners there about ten o'clock, when the following capitulation was agreed to, and, after being sent into the town to be ratified by the Governor and his Council, was countersigned by the General and myself at two o'clock, and the gates of both the town and citadel were put in possession of our troops.

Articles of capitulation between Vice-admiral Sir EDWARD HUGHES, K. B. Commander in Chief of his Majesty's Squadron in the East-Indies; Major-general Sir HECTOR MUNRO, K. B. Commander of the India Company's land forces, and REYNIER VAN VLISSINGEN, Governor of Negapatam, and Director for the Affairs of the Netherland India Company on the Coast of Coromandel, and his Council.

PRELIMINARY.

The honourable Governor and Council of Negapatam propose to Vice admiral Sir Edward Hughes, K. B. commander in chief of all his Britannic Majesty's ships and vessels in the East-Indies, and Major-general Sir Hector Munro, K. B. commanding the land forces on the attack of Negapatam, to surrender the said town and citadel to them, on the conditions included in the following articles:

Art. I. The officers and garrison of Negapatam shall march out at the China Gate with their arms, baggage, colours flying, drums beating, and two pieces of cannon, with lighted match and necessaries.

Ans. Granted; but to pile their arms, and lay down their colours and drums, so soon as they pass the gate. If by necessaries is meant the soldiers

necessaries, they will be allowed them.

Art. II. All officers and soldiers in the garrison shall be subsisted at the expence of the Honourable English East-India Company, and sent on board English ships as conveniently and expeditiously as possible to Colombo or Batavia.

Answered. All officers and soldiers who surrender prisoners of war will be maintained, and a particular account of the expence kept, in order that the States General, or Dutch East-India Company, may hereafter make it good to the English East-India Company. This Article to be granted in no other form.

Art. III. The aforesaid officers and soldiers shall carry with them all their effects without examination, also their servants and slaves, and those that are married shall have liberty to take with them their families.

Answered. Granted, provided the second Article is agreed to.

Art. IV. The Governor and members of the council, all civil and mercantile servants, ecclesiastics and sea-faring persons, and all others who are in the service of the Netherlands Company, also all inhabitants of Negapatam, Europeans and natives, shall remain in their full personal liberty and possession of their properties, moveable or immoveable, merchandize, and other effects, without being therein molested, or any other impediment brought on the same, on any reason whatever.

Answered. Granted, with exception of their personal liberty.

Art. V. The Governor, the members of the council, all civil and mercantile servants, the ecclesiastics, sea-faring persons, and all others who are in the service of the Dutch Company, shall have liberty to go to Batavia or Colombo, with their families, male and female slaves, effects and property, for which purpose they shall

shall be furnished with good and sufficient shipping at the expence of the English East India Company.

Answered. Inadmissible, except the security of their families, male and female servants, and property.

Art. VI. The capitals belonging to the orphan house and poor of the church shall not be confiscated, nor the payments cease, as being monies belonging to orphans and the poor.

Answered. Granted.

Art. VII. All officers and civil servants of the Dutch Company, who shall have an inclination to remain in the place, or to establish themselves as private inhabitants, shall be permitted to do so under the protection of the British flag.

Answered. All inhabitants of Negapatam, who chuse to continue inhabitants, shall be permitted to remain there, with security to their persons and properties, under the protection of the British flag, on such inhabitants taking the oath of allegiance to his Britannic Majesty, the military only excepted.

Art. VIII. All merchandize, ammunition of war, artillery, arms, provisions, and all and every the effects belonging to the Dutch East India Company, or the States General, and found in this place, shall be uprightly delivered over, by a just inventory, to the commissaries who shall be appointed to receive them; of which inventory copies shall be delivered to the Admiral and General.

Answered. Agreed.

Art. IX. The fortifications, the government house, the magazines, and all other public buildings of the Dutch Company, shall be kept in their present state, and shall not be demolished.

Answered. Inadmissible.

Art. X. The free exercise and liberty of the Reformed Religion, according to the practice of the Dutch church, shall be permitted, and the church continued to its possessors.

Answered. Granted.

Art. XI. The Romish church and Gentoo pagodas shall continue to enjoy all the prerogatives they enjoyed under the Dutch government.

Answered. Granted, as far as is consistent with the nature of the English Government.

Art. XII. All charters, resolutions, and other papers belonging to the Government of Negapatam, shall be delivered, without any examination, to Governor Vlissingen, that he may carry them with him to whatever place he goes.

Answered. Granted; but subject to examination, as far as relates to public funds, public monies, treasury accounts, and rents arising from the districts belonging to Negapatam, whether by duties or otherwise; all other papers to be delivered to Governor Van Vlissingen.

Art. XIII. No person shall be lodged in the Government House so long as Mr. Van Vlissingen remains at Negapatam, but he shall be permitted to dwell therein unmolested.

Answered. Granted.

Art. XIV. If any English deserters are found in Negapatam, they shall be pardoned.

Answered. Granted.

Art. XV. All public papers, notarial or secretary acts, which in any manner can serve to secure the peaceable possession of the inhabitants property, shall be respected and preserved entire, under the care of persons now in that trust.

Answered. Granted, as far as is consistent with the nature of our Courts, and as long as the person or persons in such trust behave with propriety.

Art. XVI. The auctioneer of this settlement, the sequester, the trustee of the deceased, shall be permitted to recover their outstanding debts, and protected and supported by Government.

Answered. Granted.

Art.

Art. XVII. And this capitulation shall be signed, the China-gate shall be delivered to an English guard of fifty men, and a Dutch guard of the same number shall also remain there, with orders to both not to suffer any Dutch soldier to pass out, nor any English to go in, and next day the gates shall be delivered to the English troops, when the garrison of Negapatam shall retire to their cellars or barracks, and remain there till their departure for Batavia or Columbo, delivering up their arms, the officers only to be permitted their swords.

Answered. Whatever guards are thought necessary to take possession of the fort and citadel of Negapatam, must be suffered to march in, and the gates delivered over, in one hour after the capitulation is signed.

Art. XVIII. All the Dutch Company's servants, civil and military, seafaring and other persons receiving pay, shall be maintained by the English Company until they are carried to Batavia or Columbo.

Answered. Answered by the second article.

Art. XIX. All the sick and wounded now in the hospital shall be cured and maintained at the expence of the English Company.

Answered. All the sick and wounded found in the hospital shall be taken proper care of. The rest of this Article answered by the second Article.

Article XX. To all the aid troops belonging to the Nabob Hyder Ally Cawn Bahaudre, which are in this place, a free pass to Cumbiconum shall be granted.

Answered. Granted, on delivering up their arms, and proceeding to Hyder's country, not to Combiconum.

Art. XXI. Mess. Joan Daniel Simons, Peter William Greeke, Isaac Reynier Simons, John Jochim Hartz, who are now in the camp of the Nabob Hyder Ally Cawn, shall also en-

joy the full grant and force of this capitulation.

Answered. Granted, provided they leave Hyder's camp and return with all expedition to Negapatam, or surrender themselves at Madras.

Art. XXII. This capitulation, and terms therein expressed, shall be strictly observed, and with good faith, by both parties; for which purpose it shall be reciprocally signed and exchanged by the Admiral and General, and the Governor and Council of Negapatam.

Agreed.

Done in Camp, before Negapatam, this 12th of November, 1781.

Edward Hughes,

Hector Munro.

Reynier V. Vlissingen,

S. Mossel,

F. Wm. Bboem,

P. Erftalm,

Mr. Stoffenburgh,

John Accama.

The garrison consisted in all of about 8000 men, of which about 500 European, regular, and militia, 7000 Malayas, 4500 sepoy, and 2300 of Hyder Ally's troops, of whom 1000 were cavalry, and run away on the first charge at the attack of the enemy's lines, and never came near the place after, but kept at a distance, plundering and burning the villages: and most of the Malayas and sepoy threw away their arms, and deserted the garrison through the western gate, in the night between the 11th and 12th, during the truce.

A return of the warlike stores found in the town and citadel of Nagapatam, when surrendered on the 12th of November, 1781, to Vice-admiral Sir EDWARD HUGHES, K. B. and Major-general Sir HECTOR MONRO, K. B. and the King's and Company's troops under their command.

IRON ORDNANCE.

Serviceable. One twenty-four pounder, 6 eighteen-pounders, 3 fourteen-pounders, 97 twelve pounders, 3

ers, 3 nine-pounders, 25 eight-pounders, 24 six-pounders, 4 two-and-half-pounders, 2 two-pounders, 6 one-pounder. Total 188.

Unserviceable. 3 fourteen-pounders, 5 twelve-pounders. Total 7.

BRASS ORDNANCE.

Serviceable. 1 twelve-pounder, 4 nine-pounders, 3 one-pounder, 1 half-pounder. Total 16.

BRASS MORTARS.

Unserviceable. 1 twelve and half-inch.

Serviceable. 2 ten-inch, 5 four-inch. Total 7.

S H O T.

Round. 7 thirty-six pounders, 778 eighteen-pounders, 92 fourteen-pounders, 520 twelve-pounders, 13 nine-pounders, 1389 eight-pounders, 209 seven-pounders, 1501 six-pounders, 26 five-pounders, 96 four-pounders, 2 three-pounders, 183 two and half-pounders, 65 one and half-pounders, 127 one-pounder.

Graze. 1 sixteen-pounder, 16 fourteen-pounders, 7 twelve-pounders, 1 eight-pounder, 2 six-pounders, 21 five-pounders, 15 four-pounders, 16 two and half-pounders, 3 one-pounder, 348 half-pounder.

S H E L L S.

449 twelve-pounders, 297 ten-pounders, 300 six-pounders, 80 five-pounders, 98 four-pounders, 698 three and three quarters pounders. Hand grenadoes, 1720.

Gunpowder, 60lb. barrels, 277.

Match-bundles, 187.

Spunges, complete, 170.

Ladles, 57.

Hand-heavers, 269.

Musquets (serviceable) 3346.

Bayonets, 3090.

Pistols, 38.

Swords, 1514.

Sabres, 33.

Matchlocks, 280.

Spontoons, 59.

Pikes, 50.

Sword-blades, 190.

Cartouch-boxes (serviceable) 152.

Ditto (unserviceable) 1220.

Musquets (unserviceable) 104.

Locks, 37.

Slings, 230.

Powder-horns, 6.

Sword-belts, 170.

Iron ramrods, 358.

Musquet-barrels, 157.

Fuzes spare for shells, 600.

Leather buckets, 28.

Linlocks, 6.

Scabbards for swords, 134.

Ditto for bayonets, 1400.

Copper measures for powder, 12.

Grindstone, 1.

Flints, 7000.

Iron crows, 49.

Pickaxes, 42.

Brass cases for cartridges, 66.

Drums, complete, 20.

Drum-heads spare, 500.

Drum-cords, 8.

Iron breast-plates, 200.

Instruments used in the Laboratory,

Limbers, 2.

Tumbrils, 2.

Trial carriages (serviceable) 149.

Ditto (unserviceable) 27.

Field cartridges, 2.

Mortar-beds (serviceable) 3.

Ditto (unserviceable) 3.

Trucks (unserviceable) 6.

Ditto (unserviceable) 3.

Pairs of colours, 2.

Brimstone, 500 weight.

Signed, ARTHUR CUTHBERT,
Commissary for the King.

WM. MITCHELL,

Ditto for the Company.

The Squadron lost in this service 17 seamen killed, and 27 wounded; 13 marines killed, and 29 wounded; most of the wounded have since died of their wounds, and many, both seamen and marines, were carried off suddenly by violent cramps and spasms, brought on by wet and fatigue.

From the 12th to the 29th of November the weather was so tempestuous, that it was with the greatest difficulty and risque I could embark some

some of the military prisoners from the port of Nagore to windward on board his Majesty's ship the *Active*, and the Company's snow *Panther*; and on the 19th, there being every appearance of an approaching gale of wind, the squadron put to sea, and stood to the N. E. under their courses, until the weather became more moderate, and the whole returned to Negapatam road on the 23d, except the Company's ships *Neptune* and *Royal Admiral*.

On the 24th and 25th, the weather being more moderate, I was enabled to embark the whole of the seamen and marines, who had done duty on shore during the siege, on board their respective ships; and the remaining part of the military prisoners being embarked on board the *Active* and *Panther*, they sailed for Madras on the 4th of December.

From that period to the end of the month we experienced all the vicissitudes of Monsoon weather, much wind, heavy rains, and now and then a fair day, of which we took the advantage to get provisions and water on board the ships, and embark the Dutch Company's civil servants from the late Governor downward, in all 56, on board the Company's ship *Rochford*, and she sailed with them for Madras on the 23d of the month.

A detachment of the Company's land forces being granted me for the purpose of garrisoning Trincomale, if taken, consisting of an officer and 30 European and native artillery, and about 500 volunteer Sepoys, under a Captain and five subalterns, they were embarked on board the ships of the squadron and the Company's ship *Essex* accordingly; and I sailed with his Majesty's ships and transports as per margin * from Negapatam road the 2d of this month, and arrived in this bay on the 4th,

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where I found Captain Montague, in his Majesty's ship the *Seahorse*, who had been stationed off this place ever since the 21st of August last, to block up the Dutch ships in the harbour.

On the 5th in the morning I began to disembark the troops with all the boats in the squadron, six large chilingas, and four large rafts or catamarans; the chilingas and catamarans were brought from Negapatam for this purpose. The marines, with two six-pounder field-pieces mounted, a detachment of artillery, and two companies of Sepoys as pioneers landed first, about three miles from Trincomale Fort, without any resistance; the battalion of seamen, consisting of the same number of officers and men as at the attack of Negapatam, were landed immediately after the marines, and joined them; the Company's Sepoys followed them, and the whole were landed before dark, under the command of Captain John Gell, of his Majesty's ship *Monarca*, assisted by Capt. Montague of the *Seahorse*, and Capt. Reynolds of the *Combustion* fire-ship: the seamen and marines, with the guns and pioneers, immediately formed, and marched towards Trincomale Fort; and the same night the grenadier company of marines, with the guns made themselves masters of the fort, by pushing resolutely on thro' the gateway, while the Governor was drawing up on paper the terms of capitulation which he meant to propose. In this fort, which commanded the only place where provisions and stores could be landed from the ships, were found 10 iron guns of different calibres, and three officers with 40 men were made prisoners; and I learned from the prisoners, that the enemy's whole remaining strength was drawn into *Ostenburgh Fort*,
B b b on

* *Superb*, *Monarca*, *Exeter*, *Worcester*, *Burford*, *Eagle*, *Combustion* fire-ship, *Nymph* sloop, *Essex* Company ship, *Expedition* brig.

on the top of a high hill which commanded the harbour, and had an open communication with their ships.

On the 6th we began to land the requisite stores, provisions, and baggage for the troops at Trincomale Fort; and on the 7th the Field-officers, with Major Geils the engineer, were employed in reconnoitering, to find the best road to the heights. On the 8th, the whole marched toward a high hill, which commanded Ostenburgh Fort, on the top of which the enemy had a post with an officer's guard. This post a detachment of seamen and marines drove the enemy from on the same night, and took possession of it within 200 yards of Ostenburgh Fort; and I ordered Colonel Gell to send the following summons of surrender to the Governor the morning of the 9th:

Superb, in Trincomale Bay,

Jan. 9, 1782,

SIR,

As I am perfectly informed of the weakness of your fort, and the very small number of men you have to defend it against the ships and troops of his Britannic Majesty and the East-India Company under my command, of whose great superiority, both in proportioned numbers and discipline you cannot be ignorant; I am induced from motives of humanity, in order to avoid the effusion of blood, and of regard to you and the inhabitants of the place, to prevent, if in my power, the distresses and calamities that may befall you and them, to demand of you the immediate surrender of Fort Ostenburgh and its dependencies, with the ships and vessels in Trincomale harbour, on such terms as appear to me reasonable and consistent, and you and I may agree upon; for this purpose I give you two hours from the time this summons is delivered to

you, to deliberate and return me an answer. If you agree to surrender on capitulation, Commissioners are immediately to be sent on your part to Colonel Gell, commander of the forces on shore, who will send them in safety to me; but if you reject the offer now made you, you yourself will be the cause of lives lost, and more disadvantageous terms at a later day.

I am, Sir,

Your most obedient,

Humble servant,

EDW. HUGHES,

Albertus Homæd, Esq.

Governor of Fort Ostenburgh.

To which, in about two hours, I received the following answer:

January 9, 1782.

Honoured Excellency,

In answer to your Excellency's letter of summons of the 9th of this month, received by me but now a little before seven o'clock in the morning, I have to inform you, that by every possible means in my power, it is my duty to be faithful to my masters; and for that reason I have resolved not to surrender Fort Ostenburgh, but defend it to the last, against all attempts that may be made to take it.

I am, Honoured Excellency,
Your Excellency's humble servant,
(Signed)

ALBERTUS HOMOED.

Vice-Admiral Sir Edward

Hughes, K. B. &c.

Major Geils, who carried the summons, reported to me, that it was his opinion the place might be taken by assault; and I was the more disposed to this mode of attack, as heavy cannon for battery could not be got up the hill without much labour and loss of time, which last I could not afford; but being desirous not to risk a repulse, I wrote another summons to the Governor as follows:

Superb,

Superb, in Trincomale Bay,
January 9, 1782.

SIR,

I have received the honour of your answer of this date, to my summons of the 9th of this month, and am greatly surprized at your imprudence in exposing the lives of the few men, women, and children, shut up with you in Fort Ostenburgh, to the certainty of a storm, which no duty you owe your employers can warrant.

My former attachment to you and your family, as well as other acquaintances at this place, induces me to warn you of the imminent danger of this fate, by attempting to defend a place not defensible, and you see the English troops in possession of the heights which command the fort: if after this friendly advice, you persist to refuse the surrender of the place on reasonable terms, which I now offer you, you must take the consequence, without laying any act of inhumanity to my charge.

I am, with regard, Sir,

Your most obedient,

Humble servant,

EDW. HUGHES.

Albertus Homæd, Esq;

Governor of Fort Ostenburgh.

And determined, if the Governor refused to capitulate, and the Major continued in his opinion of the practicability of taking the fort by assault, to order it to be assaulted, being fully satisfied of the steadiness and bravery of our men, and that, if practicable, they would succeed. The Governor sent me the following answer to my second summons:

Ostenburgh, Jan. 10, 1782.

Most generous Sir,

Your Excellency's letter of yesterday was delivered into my hands this morning at ten o'clock; in answer to which I am to acknowledge your Excellency's good-will to me

personally, and all the people of this place; but I am under the necessity of informing your Excellency, that my orders from my superiors are to defend the place where I now command to the last. If I failed in this, I could not answer to them for my conduct; and this I leave to your Excellency's consideration.

I am, with great respect,

Most generous Sir,

Your Excellency's most

Humble servant,

(Signed) ALBERTUS HOMOED.

*His Excellency the generous,
brave, and illustrious Sir
Edward Hughes, K. B.
Commander in Chief of
his Britannic Majesty's
Squadron in Trincomale
Bay.*

Major Geils persisting in his opinion, that the lower part of the fort might be taken by assault, although not so clear respecting a cavalier very high, mounting six pieces of cannon, the assault was ordered, and the necessary dispositions made for the attack, to begin at day-light in the morning of the 11th; and accordingly the storming party, composed of 450 seamen and marines, and their officers, with each flank covered by a company of pioneers, and 20 seamen carrying the scaling-ladders, and armed with cutlasses, with a reserve of three companies of seamen, and three companies of marines, with two field-pieces to support it, followed by the Company's troops, advanced at day-light towards the fort, and the serjeant's party in front getting in at the embrasures, unperceived by the enemy, was immediately followed by the whole of our storming party, who soon drove the enemy from their works, and possessed themselves of the fort; and all the ships and vessels in the harbour immediately surrendered.

In this assault I had the misfortune

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tune

tune to lose Lieut. George Long, my second Lieutenant, a most worthy and deserving officer, who was killed in advancing bravely to the assault at the head of his company, and also 20 non-commissioned and private seamen and marines. Lieut. Wolfeley, who commanded a company of seamen, Lieut. Samuel Orr of the marines, who commanded their grenadier company, and did duty as Brigade-major, and 40 non-commissioned and private seamen and marines, were wounded. The enemy lost but few men, as they mostly threw down their arms, and their forfeited lives were spared by that disposition to mercy which ever distinguishes Britons.—The following is a return of the warlike stores found in Fort Ostenburgh :

Return of Ordnance and Warlike Stores found in Fort Ostenburgh and Trincomale, the 6th of January, 1782.

Brass guns mounted. 3 twenty-four pounders, 1 three pounders, 3 two pounders.

Iron guns mounted. 11 twenty pounders, 12 eighteen pounders, 3 sixteen pounders, 2 fourteen pounders, 12 twelve pounders, 6 eight pounders, 6 six pounders, 2 four pounders, 1 two pounders.

Brass swivel guns. 3 one pounders.

Iron swivel guns. 5 one pounders.

Iron guns not mounted. 3 sixteen pounders, 1 twelve pounders, 1 one pounder.

Brass mortars with beds. 2 nine inch, 1 seven and half inch, 1 five inch.

Brass cohorns. 2 four inch pounders.

Round shot. 376 twenty-four pounders, 574 twenty pounders, 1455 eighteen pounders, 4233 twelve pounders, 1633 eighteen pounders, 338 six pounders, 365 three pounders, 383 two pounders, 319 one pounder.

Double-headed shot. 700 eighteen pounders, 737 twelve pounders, 406 eight pounders, 82 three pounders.

Shells unfilled. 309 nine-inch 417, seven and half inch, 553 five-inch, 131 four-inch.

Hand grenades unfilled. 339.

Grape shot. 100 eighteen pounders, 9 twelve pounders, 78 eight pounders, 132 six pounders, 25 three pounders, 15 two pounders, 124 one pounder.

Musquets with bayonets. 700.

Ditto without bayonets. 752.

Musquet ball cartridges. 10000.

Musquet flints. 400.

Gunpowder. 14000 pounds.

Fort Trincomale.

Iron guns dismounted. 5 eight pounders.

Ditto mounted. 5 twelve pounders.

Round shot. 50 twelve pounders, 50 eight pounders.

Gunpowder. 120 pounds.

Musquets. 20.

Signed, THOMAS SUTLIFF.

Prisoners taken in the Garrison.

The Governor, 1 Captain, 2 Lieutenants, 3 Ensigns, 250 European infantry, 1 Captain-Lieutenant and Engineer, 2 subalterns, 50 European artillery, 55 seamen from the ships, and ten artificers, 1 Captain, 1 Lieutenant, 2 Ensigns, Malys.

In the harbour we found two of the enemy's ships, one of the Company's, the other private, both richly laden, and several small vessels of no consequence.

I beg you will also acquaint their Lordships, that the whole of the officers who have been landed from the squadron, for the attack of Negapatam, and this place, have, on all occasions, manifested much honour, courage, and good conduct; and the private seamen and marines, have acted with great steadiness and bravery. The public service has received great assistance from Major Geils, an excellent officer and able engineer in the Company's service, who conducted, as engineer in chief, the attacks of Negapatam and this place, with much spirit and propriety;

ty; and I have the pleasure to assure their Lordships, that the most perfect harmony has subsisted between the officers and men of his Majesty's squadron, and those of the Company's forces co-operating with them.

As the knowledge of these successes by which the Dutch are driven entirely from the coast of Coromandel, and a fair beginning made towards getting possession of all their valuable settlements on the island of Ceylon, may be attended with many good consequences to the public, I have ordered his Majesty's sloop the *Nymph*, Captain John Sutton, Commander, late my First Lieutenant, to proceed to England immediately; and I have delivered to Capt. Henry Ball, my Captain in the *Superb*, who has been of infinite service in superintending the landing the heavy guns, stores, provisions, and other articles, both at Negapatam, and at this place, my letters for their Lordships, and the Earl of Hillsborough, with the colours of the citadel of Negapatam, and of Fort Ostenburgh, which I request their Lordships will permit him to lay at his Majesty's feet.

Extract of a letter from Vice-Admiral Sir EDWARD HUGHES, K. B. Commander in Chief of his Majesty's ships and vessels in the East-Indies, to the Earl of HILLSBOROUGH, dated Superb, in Trincomale Bay, January 17, 1782.

I am happy to observe to your Lordship that the fall of Negapatam fully answered my expectations, for immediately after Hyder Ally's troops evacuated all the forts and strong posts they held in the Tanjore country, and the Polygars, or Petty Princes, in the Marawa and Trinavilly Provinces, who, at the instigation of Hyder, had rebelled against the Nabob of the Carnatic, and taken up arms against us, are returned to their obedience on the best terms they can make for themselves.

Extract of a letter from Sir HECTOR MUNRO, K. B. to the Earl of HILLSBOROUGH, dated Negapatam, November 24, 1781.

I have the honour to inform your Lordship of the success of his Majesty's troops, and those of the East-India Company against Negapatam, which surrendered the 12th instant by capitulation to Vice-Admiral Sir Edward Hughes, commander in chief of his Majesty's ships and forces by sea before Negapatam, and to me, who had the honour of commanding the troops that besieged it by land.

Sir Edward blocked it up by sea from the 8th of July to the 12th of this month, the day on which it surrendered.

The reduction of this fortress at this period is of the utmost consequence to the public, as it is to the interests of the East-India Company, for should the French and Dutch, or either of them, in force come to the Coromandel coast, Negapatam would not only have been their arsenal and granary, but the place from whence they would have commenced all their intended operations against the Company's forts and possessions in this part of India, and would have been of as much consequence as Pondicherry would have been, had it not been taken and demolished.

I inclose your Lordship a return of the killed, wounded, and missing during the siege; the strength of the garrison which defended Negapatam, and a return of the troops that attacked it: All which I have to request you may be pleased to lay before the King, and to make known to his Majesty the good conduct and gallant behaviour of both officers and men, on every occasion during the siege,

Permit me, my Lord, to express the greatest satisfaction, as well as the support I received from the co-operation of Sir Edward Hughes during the siege, which I could not carry

carry on but for the assistance of the squadron. His zeal for the public service, and his knowledge of the advantages which must arise from the reduction of Negapatam, made the Admiral not only indefatigable in landing the troops, ordnance, and stores, but he exerted himself with great vigour and dispatch to forward our operations by land, insomuch, that he justly merits his Majesty's approbation, the thanks of the public, and of the East-India Company.

This dispatch will be delivered to your Lordship by Major Geils.—Captain Ball, the Admiral's Captain, carries home the colours of Negapatam, to have the honour of laying them at his Majesty's feet.

Return of the killed, wounded, and missing of different corps in the army under the command of Major-General Sir HECTOR MUNRO, Knight of the Bath, in the attack of the enemy's redoubts, and during the siege of Negapatam, November 13, 1781.

Navy battalion. 1 serjeant, 11 privates, killed; 2 ensigns, 1 serjeant, 17 privates, wounded.

Marine corps. 1 corporal, 3 privates, killed; 1 serjeant, 20 privates, wounded.

Cavalry. 5 sepoy wounded; 4 horses killed, 3 wounded, 1 missing.

Artillery. 1 lieutenant, 1 serjeant, 4 matrosses, 3 sepoy, 2 Lascars, wounded.

European infantry. 4 privates wounded.

6th Battalion. 1 naigues, 4 sepoy, killed; 1 jemidar, 2 sepoy, wounded; 2 sepoy missing.

7th Battalion. 2 sepoy killed; 2 naigues, 9 sepoy, 1 captain wounded; 1 havildar, 5 sepoy missing.

10th Battalion. 1 captain wounded; 1 subedar, killed; 2 naigues, 9 sepoy, wounded.

13th Battalion. 1 drummer killed; 7 sepoy wounded.

Tanjore grenadiers. 2 jemidars, 1 sepoy, killed.

Pioneers. 1 sepoy wounded.

General total of European and natives, killed, wounded, and missing, 133.

Signed, HECTOR MUNRO,
Major-General.

Return of the troops doing duty on the garrison of Negapatam, when besieged and reduced by the army under the command of Major General Sir HECTOR MUNRO, K. B. &c. Negapatam, November 19, 1781.

European artillery. 1 captain, 1 captain-lieutenant, 8 L. F. workers, 10 bombardiers, 3 gunners, 52 matrosses. Total 75.

European infantry. 1 major, 2 captains, 2 captain-lieutenants, 6 lieutenants, 14 ensigns, 2 adjutants, 29 serjeants, 1 corporal at arms, 1 drum-major, 1 cadet, 1 prevoist, 40 corporals, 12 fifiers, 19 drummers, 157 privates. Total 288. Musters, 134. Total Europeans and musters, 522.

Malays. 3 captains, 3 lieutenants, 6 ensigns, 12 serjeants, 14 corporals, 1 fifer, 2 drummers, 277 privates. Total 318.

Sepoy, &c, 10 captains, 10 lieutenants, 20 ensigns, 1 adjutant, 66 serjeants, 119 corporals, 6 fifiers, 12 drummers, 2412 privates. Sepoy belonging to Hyder Ally 2600. Lascars 350. Total Malays and natives 6551.

N. B. 1000 horses belonging to Hyder Ally encamped on the Glacis, and under orders of the Governor, not included.

A true copy of the original return signed and given in by Governor Van Vliessengen,

Signed HECTOR MUNRO,
Major-General.

ARCH. BROWN, Adj-Gen.

Return of the army present at the reduction of Negapatam, under the command of Major General Sir HECTOR MUNRO, K. B. November 19, 1781.

Staff. Total 21.

Navy

Navy Battalion. Fit for duty 937, sick 38.

Marine corps. Fit for duty 354, sick 86.

European infantry. Fit for duty 34, sick 11.

Engineers. 7.

Artillery, effectives. Fit for duty 30, sick 6.

Ditto, invalids. Fit for duty 10, sick 1.

Ditto, natives. Fit for duty 97, sick 12.

Topasses. Fit for duty 7, sick 1.

Cavalry, with the artillery and infantry attached, chiefly consisting of Sepoys.

Cavalry. Fit for duty 292, sick 51.

Artillery. Fit for duty 11, sick 2.

Infantry. Fit for duty 54, sick 11.

Sepoys corps, 6th battalion. Fit for duty 852, sick 31.

Ditto, 7th battalion. Fit for duty 258, sick 90.

Ditto, 10th battalion. Fit for duty 583, sick 36.

Ditto, 13th battalion. Fit for duty 411, sick 93.

Ditto, detachment of the 18th battalion. Fit for duty 108, sick 13.

Tanjore grenadiers. Fit for duty 615, sick 38.

Light Infantry. Fit for duty 682, sick 25.

Detachment of the 9th battalion, doing duty as pioneers. Fit for duty 175, sick 15.

Ditto of the 22d ditto. Fit for duty 110, sick 12.

The General's guard, consisting of men belonging to different corps with Sir Eyre Coote's army. Fit for duty 68.——Total 4215.

From the LONDON GAZETTE.

Admiralty-Office, May 25, 1782.

Captain Courtney of his Majesty's ship the Eurydice, arrived this morning with dispatches from Admiral Sir George Brydges Rodney, Bart. K. B. and commander in chief of his Ma-

jefty's ships at the Leeward islands; and also with a letter from Sir James Wallace, Captain of his Majesty's ship the Warrior, (whom he fell in with in his passage) to Mr. Stephens; of which the following are copies:
Formidable, at Sea, April 20, 1782.

SIR,

Since my last dispatches of the 14th instant, sent by Lord Cranston, in his Majesty's ship Andromache, I must desire you will be pleased to acquaint their Lordships, that the fleet under my command in their way to reconnoitre the Bays of Basseterre, St. Christopher's, and St. Eustatius, and observe if the enemy's fleet had attempted to shelter themselves in those bays, we were becalmed three days under the island of Gaudaloupe, in which time we were employed in repairing the shattered condition of the ships under my command.

The moment we had a breeze, I dispatched frigates to St. Christopher's and St. Eustatius. In the latter Road, instead of the vast crowd of ships that used to be anchored, there were only two small schooners. At St. Christopher's, none but armed ships. Being, by this, convinced, that the enemy's defeated fleet were gone to leeward, I dispatched Rear-admiral Sir Samuel Hood (whose division having been in the rear on the day of battle, had received much less damage than the van or center) to proceed with all the sail they could make, to the west end of St. Domingo, in hopes that he might pick up some of the straggling disabled ships of the enemy; and am now following myself, with remainder of the fleet, to join him off Cape Tiberoon.

It is with great satisfaction I acquaint their Lordships, that the enemy's battering cannon, travelling carriages, and train of artillery, are in the ships captured; which are not only a loss to the enemy, but may be of the greatest service in the island of Jamaica.

Inclosed

Inclosed I send duplicates of my dispatches by the *Andromache*, and have the honour to be, &c.

G. B. RODNEY.

Philip Stephens, Esq.

Warrior, at sea, April 22, 1782.

SIR,

Be pleased to inform their Lordships, that on the 18th instant, at two P. M. Sir Samuel Hood made sail from the fleet, with ten sail of the line, a frigate and fireship. On the 19th at six A. M. saw five sail in the passage of Mona. At half past six A. M. the Admiral made a general signal for chase. At two P. M. some of our ships came up with two French line of battle ships, and a frigate; after some action both the line of battle ships and frigate struck. We continued our chase after another frigate, which escaped us in the night, by which means we separated. I am, &c.

J. A. WALLACE.

Philip Stephens, Esq.

Letter from the Earl SHELburne to the LORD MAYOR, &c.

Whitehall, May 7, 1782,

SIR,

His Majesty has commanded me to express his firm reliance upon the spirit and loyalty of his people, and his royal confidence, that during this season of difficulty, their utmost endeavours will not be wanting to give unquestionable proofs of their attachment and emulation for his service; and foreseeing that by wise, strenuous, and timely preparations, he may not only disappoint or defeat any hostile attempts, but by appearing strong and united at home, he may be enabled to make the more powerful efforts for maintaining his honor and the public interests abroad, and thereby lay the surest foundations for a safe, an honourable, and a lasting peace; and as the popu-

lousness of the principal towns and cities of Great-Britain, naturally offers the greatest facility, as well for forming into corps, as for learning the military exercise, without loss of time, interruption of labour, or any considerable fatigue, his Majesty has commanded me to transmit to you the enclosed proposition, which has been submitted to his Majesty, as at least a temporary plan for augmenting the domestic force of the nation, which being adopted or improved, according to the circumstances and situation of the town, of which you are the Chief Magistrate, may tend to the immediate formation of a great and respectable addition to the national force at home, on the most natural and constitutional principles.

For this purpose I have his Majesty's commands to signify to you his desire and recommendation, that you should take the same into immediate consideration, and, after having considered, report to me whatever observations may occur to you for the carrying into execution a plan, the purpose of which is to give security to your own persons and property, and to the general defence of the kingdom.

I am, Sir,

Your most obedient,

Humble servant,

(Signed)

SHELburne.

London, May 14, 1782.

SIR,

I take the liberty of submitting to your serious attention the *Plan of National Defence* lately suggested by Government, compared with a *different* plan now approved, though subject to revision, by a *Company of Loyal Englishmen*, of which I have the honor to be one. You will instantly see, that the *first* plan was nobly conceived by some great mind,

• For the List of Shelburne's Plan, see page 377.

and

and intended for the noblest purposes; but that, in the *detail*, it appears to be *innovating*, harsh, unconstitutional, and big with alarming consequences; too *expensive* for the treasury, who have no treasures to lavish, and too *distrustful* of a generous and spirited people, who would *vigorously support* a government that *sincerely confided* in them. The *second* plan you will find (and we pledge our honours to prove) *already sanctioned*, and even *required* by Law, agreeable to the Constitution, and calculated to preserve it; not too expensive to *real* patriots, who will hardly be niggards at such a moment as this; and not at all dangerous to so wise and just a government as the present. If nothing can raise a manly spirit, and excite a liberal emulation, in *English* gentlemen, yeomen, and traders, but the actual descent of *three united armies* on our coasts, they will *then* vainly solicit that protection for their houses and families, which they *now* have in their own hands, on a glorious invitation from the first and best of Magistrates. I am, &c.

A VOLUNTEER.

P. S. Give me leave to observe, that the Lords-lieutenants, as such, have no more to do with this great business than the bench of Bishops.

HEADS of a PLAN for raising Corps in several principal Towns in Great Britain, inclosed in a Letter from the Earl of SHELBURNE to the CHIEF MAGISTRATES of several Cities and Towns.

1st. The principal towns in Great Britain to furnish one or more battalions each, or a certain number of companies each, in proportion to their size and number of inhabitants.

2d. The officers to be appointed from among the gentlemen of the neighbourhood, or the inhabitants of the said towns, either by commission from his Majesty, or from the Lord Lieutenant of the County, upon the
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recomendation of the Chief Magistrate of the town in which the corps are raised.

3d. They are to be possessed of some certain estate in land or money, in proportion to their rank.

4th. An Adjutant or Town-major in each town to be appointed by his Majesty.

5th. A proper number of Sergeants and Corporals from the army to be appointed for the corps in each town, in proportion to their numbers.

6th. The said Sergeants and Corporals, as well as the Adjutant, or Town-major, to be in the Government pay.

7th. The men to exercise frequently, either in battalions, or by companies, on Sundays, and on Holidays, and also after their work is over in the evenings.

8th. Arms, accoutrements, and ammunition, to be furnished at the expense of Government, if required.

9th. Proper magazines, or storehouses, to be chosen or erected in each town, for keeping the said arms, &c.

10th. The arms and accoutrements to be delivered out at times of exercise only, and to be returned into the storehouses as soon as the exercise is finished.

11th. The Adjutant, or Town-major, to be always present at exercise, and to see that the men afterwards march regularly, and lodge their arms in the storehouses.

12th. Proper penalties to be inflicted on such as absent themselves from exercise, as also for disobedience of orders, insolence to their officers, and other disorderly behaviour.

13th. The above corps not to be obliged, on any account, or by any authority whatever, to remove from their respective towns, except in times of actual invasion or rebellion.

14th. His Majesty shall then have
C c c power

power to order the said corps to march to any part of Great Britain, as his service may require.

15th. They are on such occasions to act either separately, or in conjunction with his Majesty's regular forces, and be under the command of such General Officers as his Majesty shall think proper to appoint.

16th. Both officers and men to receive full pay as his Majesty's other regiments of foot from the day of their march, and as long as they continue on service out of their towns.

17th. They are to be subject to military discipline, in the same manner as his Majesty's regular forces, during the said time of their being called out, and receiving government pay.

18th. All officers who shall be disabled in actual service to be entitled to half-pay, and all non-commissioned Officers and private men disabled, to receive the benefit of Chelsea Hospital.

19th. The widows of officers killed in the service to have a pension for life.

20th. The time of service to be named.

SKETCH of a PLAN for raising a Constitutional Force in the Towns, Cities, and Counties of GREAT-BRITAIN; being an Answer, Article by Article, to the Plan annexed.

1st. Agreed, *with this addition*.—And other Battalions, or Companies, to be also voluntarily formed out of the Hundreds, Tythings, and Hamlets, of each county, in proportion to its extent and populousness.

2d. The Officers, and, in some companies, men, to enroll themselves from among the gentry, yeomanry, and substantial householders, and the Officers to be commissioned respectively by the High Sheriff, and Chief Magistrate, of each county and town.

3d. The ranks of the Officers to be proportioned to their contributions to a fund raised for the purposes mentioned in subsequent articles.

4th. An Adjutant or Town-major in each county or town, to be elected by the Officers.

5th. Agreed, for the purpose of drilling the men, until a certain number of the volunteers can be qualified to act as Serjeants and Corporals.

6th. The said Drill-serjeants and Corporals from the army to continue in the pay of government; but the Adjutants and Town-majors to be paid, if they desire pay, out of a fund voluntarily raised for that purpose in the several counties and towns.

7th. Agreed.

8th. Arms, accoutrements, and ammunition, to be furnished at the expence of the counties and towns, if required; or of the officers, if they are generously disposed.

9th. The said arms, &c. to be kept by each man, in his own house, for his legal protection.

10th. Rejected.

11th. The officers to take care, after exercise, that the men march regularly, and return home with their arms.

12th. Agreed, *with this addition*.—A set of laws, or articles, to be drawn up by the Officers, and subscribed or openly consented to by the men, after a distinct reading and explanation of each article. "Consensus facit Legem."

13th. Agreed, the words *counties* or being inserted after the word *respective*.

14th. The High Sheriff of each county, and Chief Magistrate of each town, shall then (on due notice from government) have power to order the said corps to march to any part of Great Britain, as the public service may require.

15th. Agreed, in case of actual invasion; but in riots the magistrates to call out their respective corps; and,

and, as to *rebellion*; or *civil war*, (which God avert!) no specific provisions can be made for so dreadful and improbable an event.

16th. The counties and towns to pay the men *who require it*; but such as enroll themselves *without* pay, to wear some mark of distinction, and the officers to serve at *their own* expence.

17th. Agreed, in case of *actual invasion* only; but the words, *and receiving government pay*, to be omitted.

18th. Officers disabled in actual service to be rewarded by a *new order* (as a star and ribband, *orange-colour'd* or mixed) or by an *eulogium proclaimed* and recorded by the *Sheriffs* of their several counties, or the *Chief Magistrates* of their corporate towns; and the men to receive a comfortable subsistence at their own homes, with *a fixed annuity for life* out of the voluntary fund.

19th. The *widows* and *children* of Officers and Men, killed in the service *against invaders*, to have also *pensions for life*.

20th. The companies called out as above to be discharged *ipso facto*, as soon as the *invaders* are *repelled*, or the *particular service* terminated.

A Company of LOYAL ENGLISH GENTLEMEN.

The following is the Spanish account of the capture of Minorca, which, amongst other particulars of this unfortunate transaction, relates the circumstances of a most extraordinary and unaccountable dissention between General MURRAY and Sir WILLIAM DRAPER, the Governor and Lieutenant Governor of the place:

Barcelona, Feb. 13.

"The chebec, St. Louis, which left Minorca on the 7th instant, anchored in our port on the 10th. She was dispatched by the General

of our army. Three officers came on shore, the first of them, Mr. Le Sangre, the General's Aid de Camp, set off post immediately for Madrid; they bring the agreeable news of the reduction of Fort St. Phillip which took place on the 4th.

"Subsequent accounts contain the following particulars concerning that important event:—During the night of the 3d, the enemy kept up an exceeding brisk and continual fire, by which means we had eight or ten men killed, and several wounded.

"Our batteries replied with vigour, and with so much success, that the next morning we beheld the white flag hoisted from the fort, and a short time after, one of their officers advanced towards our lines; Colonel Caro went to meet him, and having learnt that he was charged with a message to the General, the Colonel supplied him with a horse, according to his request, and accompanied him to the head quarters.—The Commander of the fort related in his letter that the want of ammunition and fresh provisions, together with the harrassed and fatigued state of the garrison, which was very much reduced by sickness, obliged him to enter into a parley with his Excellency; and that he was ready to surrender the fort to him immediately upon the same terms of capitulation that the place obtained of the Duc de Richlieu, namely that the garrison shall be free, &c.

"M. de Crillon returned immediately for answer, "That it was entirely out of his power to comply with his Excellency's principal demand, being bound by the orders of his court, which, in case of a capitulation, laid an express injunction for making the garrison prisoners of war; that therefore he could only grant him the honour and respect which the laws of war dictate, and the particular esteem he entertained for General Murray prompted him to."

"The

" The English officer returned with this reply. The whole day was spent in conferences, and it was not till the evening that the English General relinquished his own terms of capitulation, and accepted of ours, and offered to put us into immediate possession of the out works. In consequence of this, at eleven o'clock at night, three companies of Spanish grenadiers took possession of Fort Marlborough, and the two neighbouring bastions were delivered up to the French troops.

" The next morning, at nine, the capitulation having been signed, the Duc de Crillon went in his coach to Fort St. Phillip, accompanied by Lieut. General Don Felix Bunch, the Baron de Falkenheim, and another Spanish General. Our troops put themselves under arms, and the English marched out in columns, drums beating, &c. Gen. Murray and the superior officers closed the march ; after this ceremony, rather humiliating to the pride of Scotchmen, the officers of the two armies met, and the most speedy succours were immediately afforded to the garrison, both by supplying them with medicines and fresh provisions, and by removing the sick out of the casemats into more airy and wholesome places. The Duc de Crillon then invited General Murray and the superior officers to dine with him, one alone refused, namely, General Draper, the second in command, who, " requested that his presence " might be dispensed with, not " chusing to be found in company, " much less to sit down to dinner " with A T———. TO HIS " COUNTRY." When they were all seated at table, General Murray said, " You have been witness to

" the caprice of the second in command. I am certain that he will " go and accuse me in London, and " that his partizans will fill the papers with invectives against me, " not withstanding for more than " these ten days past he has been one " of the most forward in advising me " to give up the place, and in proving that all resistance would be " ineffectual."

A list of Contracts, which at present exist, belonging to the Members of the House of Commons, April 20, 1782.

TREASURY.

Adam Drummond, Lawrence Cox, and Robert Mayne, for provisions at Cork and Cowes.

Sir William James, and Abel Smith, ditto, West Indies.

John Stevens, Nova Scotia.

John Durand, Leeward Islands.

Thomas Harley, and Henry Drummond, Foreign Coin, a standing contract.

N A V Y.

Charles Boone, in company with Crawley and Co. a standing contract for iron

Thomas Fitzherbert, a ditto for Portsmouth-yard.

Sir John Henniker, for Riga masts, John Durand and Sir John Henniker, for ditto and yards.

Anthony Bacon, iron ballast.

O R D N A N C E.

Anthony Bacon, for iron.

John Durand, for the ship Dutton, Sir William James, and John Durand, for the ship Nottingham.

Thomas Harley, for the ship Success.

Sir W. James, for the ship Ann, Thomas Fitzherbert, for horses.

F I N I S.



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